

FILE NAME: International Nickel Corporation (INC)

DATE: 1995

DOC#: INC005

DOCUMENT DESCRIPTION: INCO's Answers to Plaintiff's Interrogatories

ANSWER: INCO objects to this Interrogatory on the grounds that it overly broad, unduly vague, and not limited in time. Without waiving objection, attached hereto is a photocopy of a warning which is placed on asbestos-containing products which are identified in the INCO plant in Huntington, West Virginia.

23. Identify all documents in your possession regarding the health hazards of exposure to asbestos.

ANSWER: INCO objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and goes beyond the scope of permissible discovery. INCO has hundreds of employees, and it has no way of determining whether individual employees have documents which may concern the health hazards of exposure to asbestos. Without waiving this objection, and specifically subject to it, INCO has found the following "documents", which contain some information regarding asbestos:

- a. "Occupational exposure to asbestos", 1972, Department of Health, Education and Welfare.
- b. "Use in handling of asbestos textile products", Asbestos Information Association.
- c. "Industrial hygiene", 1938, L.B. Chenowith, W. Machle and H. Schneider
- d. "Occupational Health-Hazards of the Work Environment, 1969, M.P. Mayers.
- e. "Introduction to Respiratory Diseases", 1964, National Tuberculosis Association.
- f. "The Nature of Occupational Cancer", 1974, D.B. Dinman.
- g. "Industrial Toxicology", 1969, L.T. Fairhall.
- h. "Industrial Hygiene Highlights", 1968, L.B. Cralley.

- i. IARC Monographs "Evaluation of Carcinogenic Risk of Chemicals to Man", 1973, International Agency for Research on Cancer.
- j. "Asbestos Its History and Use at IAI" dated November 11, 1986.

Additionally, see documents listed in response to Interrogatory No. 11.

24. Have you ever developed a written program concerning asbestos control on your premises in West Virginia or on a corporate wide basis? If so, when was the program first implemented? Identify all documents and witnesses concerning such program.

ANSWER: Objection is made to this interrogatory on the grounds that is vague. In particular, the phrase "asbestos control" is not sufficiently defined so as to allow INCO to respond. Without this waiving objection and specifically subject thereto, please see response to Interrogatory No. 11.

25. (a) Identify all documents in your possession concerning communications made to contractors or employees of contractors regarding information about potential hazards of exposure to asbestos or the need to take precautions in connection with handling asbestos-containing products?

i) Identify all witnesses concerning such documentation.

(b) Describe all efforts you have made to communicate information about the health hazards of asbestos to contractors on your premises or to employees of contractors on your premises. Identify all documents and witnesses concerning such effort.

ANSWER: See Answer to Interrogatory No. 22. Additionally, INCO's standard contractor agreement, PEG-104, contractor safety and environmental requirements, contains instructions to contractors concerning asbestos. Copies of this document will be made available for inspection and copying at a mutually agreed upon time and place.

26. When did you first learn of any threshold limit value regarding exposure to asbestos-containing products?

ANSWER: Objection is made to this interrogatory on the grounds that INCO is a corporation, and a corporation cannot "learn", but can only acquire "knowledge" through its employees, officers and agents. INCO is currently incapable of determining when each and every present and former employee became aware of any threshold limit value regarding exposure to asbestos-containing products. INCO further objects to the term "threshold limit value", as that term is not adequately defined so as to allow INCO to properly respond. Without waiving these objections, and specifically subject thereto, the first mention of a threshold limit value in INCO's files was found in a copy of a booklet entitled "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Room Environment with Intended Changes for 1976", which was published by the American Conference of Governmental Industrial Hygienists.

27. When did you first learn of the following article: Fleischer, Walter E., Drinker, Philip, et al., A Health Survey of Pipe Covering Operations in Constructing Naval Vessels, 28 No. 1, J. Indus. Hygiene & Toxicology, p. 9-16 (Jan. 1946)?

ANSWER: Objection is made to this interrogatory on the grounds that INCO is a corporation, and as such, cannot "learn" unless through the acts of its agents, officers and employees. INCO is incapable of determining if and when each and every present or former employee first "learned" of the Fleischer, Drinker article. Without waiving this objection and specifically subject thereto, never.

28. Identify all documents regarding any decision made by you before 1972 in reliance on threshold limit values for asbestos.

ANSWER: INCO has conducted a reasonable investigation and has not found any documents responsive to this request. If further investigation uncovers documents responsive to this interrogatory, this response will be amended.

29. Identify all documents regarding any decision made by you during 1972 or afterwards in reliance on threshold limit values for asbestos.

ANSWER: Objection is made to this interrogatory on the grounds that "threshold limit value" is vague and not sufficiently defined to permit a proper response. Without waiving this objection and specifically subject thereto, see response to Interrogatory No. 11.

30. Identify by name and address all persons who have functioned as industrial hygienist for you and provide the dates of employment of such persons.

ANSWER: INCO has never had a position entitled "industrial hygienist". However, INCO has employed various persons whose responsibility included industrial hygienist. At present, Clinton Bird is responsible for industrial hygiene. Prior to Mr. Bird, Joseph Barta and Ronald Simonton had those responsibilities, respectively.

31. (a) Identify by name and address all persons who have been employed as medical directors and provide the dates of employment of such persons.

(b) Provide the names, addresses and dates of employment of all plant physicians who have been employed at your premises in West Virginia.

ANSWER: (a) INCO had no such employee identified as a "medical director".

(b) INCO has made a reasonable inquiry and has determined that no physicians were employed at its facilities. However, the INCO plant physicians were Dr. Carr (first name unknown), presently deceased; Dr. Fred Moore, presently deceased; Dr. Jose Ricard, 2547 Third Avenue, Huntington, WV 25702.

32. Identify all persons who have been employed by you who have been responsible for coordination of contracts with contractors who come upon your premises to perform work. Provide the dates of employment and job titles for each individual.

ANSWER: INCO objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and is not reasonably limited in scope as to time. INCO further objects to the use of the term "contractor" because it is overly broad. Any non-INCO employee who performed any sort of service at the INCO plant is technically a "contractor", and numerous departments at the plant have the authority to enter into contracts for outside services. Therefore, INCO cannot respond to this interrogatory without further clarification.

33. Identify all individuals who have been employed by you whose duties include responsibility for the safety of the employees of contractors. With regard to each individual, state that individual's dates of employment and job title.

ANSWER: See answers and objections to Interrogatory No. 32. Additionally, pursuant to OSHA regulations, the contractors are responsible for their own employee's safety, as are the employees.

34. Provide the names of all entities with whom you have contracted with respect to the premises identified in Interrogatory No. 1 or 2 for the performance of:

- a. Pipe fitting contract work on your premises;
- b. Boilermaker contract work on your premises;
- c. Contract work regarding the installation or removal of asbestos-containing products;
- d. Any other construction work performed by employees of contractors, where, incident to such work, asbestos containing products were disturbed, installed, replaced, or used in any fashion whatsoever.

ANSWER: Objection is made to this interrogatory on the grounds that is overly broad, unduly burdensome, and requires information for an unlimited period of time. INCO has employed various general contractors over the years who may have hired subcontractors to perform the tasks outlined above. INCO would not have been in contractual privity with those contractors, and therefore, could not identify all contractors that performed the tasks outlined above. INCO further objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, and specifically subject thereto, INCO is unaware of contractors besides those identified by the plaintiffs, and INCO has not yet verified whether those contractors performed work at INCO, and if so, the nature of the work. INCO is continuing its investigation in this regard and will supplement this response, as necessary.

- a. See objection and answer above.
- b. See objection and answer above.
- c. Objection is made to this interrogatory in that it is unlimited as to scope and time, and is unduly vague. INCO is incapable of determining when any asbestos-containing products were installed, so it cannot

identify the contractor that did the installation. Additionally, INCO objects to the term "removal", in that is overly broad and unduly vague. Assuming removal means efforts to eradicate asbestos, Ohio Valley Insulation and Master Mechanical.

d. Objection is made to subpart d. on the grounds that it is overly broad, unduly burdensome, and is incapable of being answered. This Interrogatory seeks information concerning the disturbance, installation, replacement, or use of asbestos-containing products in the 75-year period that the INCO plant has existed. Without waiving this objection and specifically subject thereto, INCO is currently reviewing its files and will supplement this response, if necessary.

35. Identify the names of the suppliers and manufacturers of asbestos-containing products purchased by you for use on your West Virginia premises.

a. Identify all witnesses known to you and all documents known to you concerning the purchase of asbestos-containing products by you.

b. If you had employees at you West Virginia premises who worked as insulators, please identify each of those persons known to you and identify any documents known to you and in your possession relating to these persons.

ANSWER: Unknown. INCO's Purchasing Department only maintains purchase orders for seven years, and current records only date back to 1989, after the point when INCO began phasing out purchases of asbestos-containing products. INCO is currently reviewing documents maintained by other departments, and will supplement this response, if necessary, after future investigation.

36. Have you ever sold or manufactured asbestos-containing products? If so, please describe the nature and brand names of asbestos-containing products manufactured or sold by you and the date of the manufacture or sale.

ANSWER: No.

37. Please describe how asbestos-containing products were used on each of the premises identified by you in response to Interrogatory Nos. 1 and 2. Include in your answer what type asbestos product were used (e.g. block insulation, performed pipe insulation, gasket materials, asbestos board, etc.), the names of the supplier and manufacturers, and describe the uses to which the products were put.

ANSWER: INCO objects to this interrogatory on the grounds that this interrogatory is overly broad, unduly burdensome, and unlimited as to time and scope. The INCO plant in Huntington covers numerous acres and has been in existence since the early 1920's. INCO is incapable of producing a list of all asbestos-containing products that were used in such a large facility over a long period of time, or detailing how the products were used. Without waiving this objection and specifically subject thereto, see response to Interrogatory Nos. 4 and 6.

38. (a) Provide the name and date of filing and alleged disease process for all Workers Compensation cases brought against you, from any facility, before 1980 in which the Claimant alleges injury caused by exposure to asbestos.

(b) Provide the same information sought in 38(a) above for all workers compensation cases regarding asbestos brought to date against you by your employees at your premises identified in Interrogatory Nos. 1 and 2 above.

(c) Identify all documents concerning claims described in 38(a) and 38(b) above.

ANSWER: (a) None.

(b) Objection is made to subpart (b) on the grounds that it seeks information which is irrelevant to present claim and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, plaintiffs' Interrogatory is overly broad and unduly burdensome. Finally, this Interrogatory seeks the disclosure of medical information concerning present and former INCO employees, and INCO is unable to produce such information, subject to the privacy interests of those individuals, without a release of an appropriate Court Order.

(c) See answer to (b) above.

39. (a) Provide the name, date of filing, and alleged disease process for any legal action concerning asbestos disease, other than workers' compensation cases identified in Interrogatory No. 38, brought against you before 1980.

(b) Identify all documents concerning such claims.

ANSWER: (a) None.

(b) None.

40. Provide the names of all trade associations to which you were a member from 1900 to the present and include the dates of membership.

ANSWER: Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, and unlimited to time and scope. INCO has no way of determining whether any of its thousands of present and former employees belonged to trade groups. Without waiving this objection and specifically subject thereto, INCO has found the following organizations. The dates of membership are unknown.

- 1) ACCL
- 2) Administrative Management Society
- 3) Air and Waste Management Association
- 4) Aluminum Association, Inc.
- 5) American Association for Laboratory
- 6) American Board of Industrial Hygiene
- 7) American Chemical Society
- 8) American Compensation Association
- 9) American Concrete Institute
- 10) American Defense Preparedness Association
- 11) American Industrial Hygiene Association
- 12) American Institute of Certified Public Accountants
- 13) American National Standards Institute
- 14) American Nuclear Society
- 15) American Public Health Association
- 16) American Society for Quality Control
- 17) American Society of Safety Engineers
- 18) American Society for Industrial Security
- 19) American Society for Training and Development
- 20) American Society of Civil Engineers
- 21) American Society of Heating, Refrigerating and American
Trucking Associations, Inc.
- 22) American Tube Association
- 23) American Welding Society, Inc.
- 24) APICS
- 25) APMI
- 26) Appalachian Construction Users Council
- 27) ASM International
- 28) ASME
- 29) ASNT
- 30) Association for Information and Image
- 31) Association of Iron and Steel Engineers
- 32) ASTM
- 33) Board of Certified Safety Professionals
- 34) Board of Hazard Control Management
- 35) Business Foundation of North Carolina
- 36) Capitol Associated Industries, Inc.
- 37) Catawba County Chamber of Commerce
- 38) Catlettsburg Chamber of Commerce
- 39) Chamber of Commerce of Boyd/Greenup Counties
- 40) Compensation Resources
- 41) Computer Security Institute
- 42) Credit Bureau of Huntington
- 43) Cue-Nam

- 44) Delta Nu Alpha Transportation Fraternity
- 45) Edison Welding Institute
- 46) Electric Metalmakers Guild, Inc.
- 47) Employee Relocation Council
- 48) Fabricators and Manufacturers Association International
- 49) Forging Industry Association
- 50) Gotham Group
- 51) Greater Elkhart Chamber of Commerce, Inc.
- 52) Huntington Area Chamber of Commerce
- 53) IABC
- 54) IEEE
- 55) Indiana Manufacturers Association
- 56) Institute of Industrial Engineers
- 57) Institute of Roll Design
- 58) Instrument Society
- 59) International Metallographic Society
- 60) Inter-Com Group
- 61) International Institute of Connector and Inter
- 62) ISS, Inc.
- 63) Kanawha-Ohio Valley Construction Users
- 64) Kentucky Chamber of Commerce
- 65) Kentucky Industrial Utility Customers
- 66) Kentucky Motor Transport Association
- 67) Kentucky State Registration Board
- 68) Manufacturers Agents National Association
- 69) Materials Research Society
- 70) Microbeam Analysis Society
- 71) National Association of Credit Management
- 72) National Association of Corrosion Engineers
- 73) National Association of Business Economists
- 74) National Association of Desktop Publishers
- 75) National Association of Accountants
- 76) National Association of Manufacturers
- 77) National Business Travel Association, Incorporated
- 78) National Business Aircraft Association, Inc.
- 79) National Contract Management Association
- 80) National Economist Club
- 81) National Electrical Manufacturers Association
- 82) National Employees Services and Recreation
- 83) National Fire Protection Association
- 84) National Safety Council
- 85) National Society of Professional Engineers
- 86) National Systems Programmers Association, Inc.
- 87) National Welding Supply Association

- 88) Ohio Valley Accountants Association
- 89) Ohio Valley Business Travel Association
- 90) Pacbase Users Group
- 91) Pennsylvania State University Cooperative Program in Metallurgy
- 92) Piedmont Personnel Association
- 93) Pittsburgh Regional Library Center
- 94) Planning Forum
- 95) Poole Professional Photographers of America, Inc.
- 96) SAE
- 97) SAMPE
- 98) Society for Experimental Mechanics
- 99) Society for Applied Spectroscopy
- 100) Society for Human Resource Management
- 101) Society for Technical Communication
- 102) Society of Petroleum Engineers
- 103) Society of Professional Journalists
- 104) Society of Trial Biologists and Lubrication Engineers
- 105) Southwest Ohio Chapter of NASPA
- 106) Special Libraries Association
- 107) Specialty Seal Industry of the United States
- 108) Spectroscopy Society of Pittsburgh
- 109) State Board of Registration for Tappi
- 110) TEI Institute
- 111) TMS
- 112) Treasurer, State of Ohio, State Board of Registration
- 113) Tri-State Chapter of National Management
- 114) Tri-State Incorporated National Association of Purchasing
- 115) Tri-State Society for Human Resources Management
- 116) U.S. Chamber of Commerce
- 117) Water Pollution Control Federation
- 118) West Virginia Chamber of Commerce
- 119) West Virginia Manufacturers Association
- 120) West Virginia Safety Council
- 121) West Virginia Library Association
- 122) West Virginia Self-Insurers Association
- 123) West Virginia Board of Accountancy
- 124) West Virginia Motor Truck Association, Inc.
- 125) West Virginia Research League
- 126) West Virginia Society of CPAs -- Charleston
- 127) West Virginia Society of CPAs -- Huntington Chapter
- 128) West Virginia Telecommunications Association, Inc.
- 129) Western Carolina Industries, Inc.
- 130) Wire Association International, Inc.

- 131) WordPerfect User Support Group
- 132) World Future Society
- 133) WVNTA Safety Management Council

41. State whether you were at any time a member of the Quebec Asbestos Mining Association ("Q.A.M.A."), Asbestos Textile Institute ("A.T.I."), National Safety Council, or Industrial Hygiene Foundation ("I.H.F."), Refractories Institute or its predecessors, and state the dates of your membership.

ANSWER: INCO was a member of the Industrial Hygiene Foundation, although the date of joining is unknown. INCO was also a member of the National Safety Council from the 1940's to the late 1980's. INCO did not belong to any of the other entities or organizations identified in Interrogatory No. 41.

42. a) From 1900-1972, if asbestos products needed to be removed from pipes or boilers to allow employees of contractors to repair or install pipes or boilers, who removed the asbestos insulation?

(b) Was this removal done by:

i) your employees;

ii) employees of contractors.

(c) Identify all documents and witnesses regarding safety precautions taken during such removal.

(d) Describe in detail and identify all documents concerning recommendations you made to contractors or their employees concerning

precautions that needed to be taken when asbestos products had to be removed from pipes and boilers to permit employees of contractors to perform such work.

ANSWER: Objection is made to this interrogatory, parts (a) through (d), on the grounds that it is overly broad, unduly burdensome, and unduly vague. INCO is unaware as to the particular incidences where asbestos products needed to be removed from pipes or boilers. Therefore, it is uncertain as to whether contractor's employees or INCO employees removed asbestos.

43. (a) From 1972 to now, if asbestos insulation needed to be removed from pipes or boilers to allow employees of contractors to repair or install pipes or boilers, who removed the asbestos insulation?

(b) Was this removal done by:

- i) your employees;
- ii) employees of the contractors.

(c) Identify all documents and witnesses regarding safety precautions taken during such removal.

(d) Describe in detail and identify all documents concerning recommendations you made to contractors or their employees concerning precautions that needed to be taken when asbestos products had to be removed from pipes and boilers to permit employees of contractors to perform work.

ANSWER: See answers and objection to Interrogatory No. 42, which are incorporated herein. However, since 1985, INCO has employed licensed asbestos abatement contractors to remove asbestos from its premises, although INCO employees do remove small amounts, when necessary.

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

- and
- a. Subject matter on which the expert is expected to testify;
 - b. Summary of the witness's testimony; and,
 - c. the basis and grounds for the witness's testimony.

ANSWER: Objection is made to this interrogatory on the grounds that the investigation of and discovery relating to the issues in this case are ongoing and not yet complete, and no determination has been made as to what expert witnesses INCO may call, unless otherwise already disclosed. INCO will supplement this response and its witnesses previously listed after it has the opportunity to depose plaintiffs' liability and expert witnesses.

45. 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: Objection is made to this interrogatory on the grounds that it requires the disclosure of both attorney-client and work-product privileged information. Without waiving these objections, and specifically subject thereto, please see INCO's witness list.

46. 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: INCO objects to this interrogatory on the grounds that the investigation of and discovery relating to the issues in this case are ongoing and not complete, and no determination has been made as to what exhibits INCO will offer or introduce at trial. This response cannot reasonably be made until discovery is complete and the plaintiffs exhibits have been identified. INCO will supplement this response after it has had the opportunity to conduct further discovery and investigation in this matter.

47. Identify all trade associations to which you have belonged to and provide dates and publications received from each.

ANSWER: See answer to Interrogatory No. 40. INCO objects to listing any and all publications received on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

48. Identify all medical journals to which you have at any time subscribed to and provide the dates of any such subscriptions.

ANSWER: None.

49. 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 respirable asbestos fibers? If so, please state:

a. the content of any such warnings and identify copies of any such warnings in your possession; and,

b. the years when any such warnings were given; and,

c. the identity of each manufacture providing any such warning and which warning each manufacture provided and the dates of any such warning.

ANSWER: INCO is unaware of any specific warnings given to it by manufacturers of asbestos-containing products.

50. Describe all efforts undertaken by you to determine whether your employees or employees of contractors came into contact with respirable asbestos fibers on your premises. 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: Objection is made to this interrogatory on the grounds that it calls for the disclosure of attorney-client and work-product information. Without waiving this objection and specifically subject thereto, see responses to Interrogatory Nos. 13-16.

51. Did you ever warn employees of contractors or contractors on your premises as to the location of asbestos containing products on your premises and any risks asbestos fibers posed to human health? If so, please state:

- a. the content of any such warnings; and,
- b. the identity of any documents containing any such warnings; and,
- c. the dates of any such warnings; and,
- d. the identity of any contractors you so warned.

ANSWER: Yes.

a. "Danger", "contains asbestos fiber", "avoid creating dust", "cancer and lung disease hazard".

b. Warning label will be produced for inspection at a mutually agreed upon place and time.

c. From mid-1990 to the present.

d. The warning labels are placed in areas known to contain asbestos. Therefore, any contractor working in those areas would be so warned.

52. Did you ever require chest x-rays of your employees employed on any premises owned or operated by you where asbestos containing products were present or used? If so, please state:

- a. the whereabouts of any such x-rays or x-ray reports; and,
- b. the identity of the person or persons taking any such x-rays; and,
- c. why the x-rays were taken; and,
- d. the dates of any such x-rays.

ANSWER: Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, is not reasonably calculated to lead to the discovery of admissible evidence, and seeks the production of privileged information from individuals who are not parties to this litigation. Without waiving these objections and specifically subject thereto, yes.

a. Any reports in the possession of INCO are maintained in the personnel file of the individuals who had X-rays taken.

b. Various medical services personnel.

c. INCO's policy concerning X-rays changed over the years and was never uniform or consistent. At some point, X-rays were taken as part of pre-employment physical. X-rays were also taken in the normal course of examining and evaluating employees by the INCO medical staff.

d. Various.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Please produce for inspection and copying any document:

1. Identified in responses to any of the Interrogatories above.

ANSWER: All documents identified will be made available for inspection and copying at a mutually agreed upon place and time.

2. Regarding the dates on which any of the plaintiffs worked on your premises.

ANSWER: Objection is made to this request on the grounds that it is overly broad, unduly burdensome, and is not reasonably limited in time and scope. Due to the Court's prohibition on plaintiff-specific discovery, INCO is unaware of the specific dates and times that the premises liability plaintiffs worked at its facility. Therefore, INCO cannot respond to this request for production of documents.

INCO ALLOYS INTERNATIONAL, INC.

By Counsel



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IN THE CIRCUIT COURT OF KANAWHA COUNTY,
WEST VIRGINIA

IN RE: ASBESTOS IV
 PREMISES LIABILITY

CIVIL ACTION NO. 95-C-8888

CERTIFICATE OF SERVICE

I, Robert H. Sweeney, Jr., counsel for INCO Alloys International, Inc., do hereby certify that I have served a true and correct copy of the foregoing "INCO Alloys International, Inc.'s Answers to Plaintiffs' Interrogatories to Premises Defendants Dated April 4, 1995" upon the following individuals, by U.S. Mail, postage prepaid, on this the 12th day of April, 1996:

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Robert H. Sweeney, Jr.

**IN THE CIRCUIT COURT OF KANAWHA COUNTY,
WEST VIRGINIA**

IN RE: ASBESTOS IV
PREMISES LIABILITY

CIVIL ACTION NO. 95-C-8888

**INCO ALLOYS INTERNATIONAL, INC.'S ANSWERS TO
PLAINTIFFS' INTERROGATORIES TO PREMISES
DEFENDANTS DATED APRIL 4, 1995**

Comes now defendant, INCO Alloys International, Inc. ("INCO"), by counsel, Robert H. Sweeney, Jr. and Jenkins, Fenstermaker, Krieger, Kayes & Agee, and in response to Plaintiffs' Interrogatories, states as follows:

GENERAL OBJECTIONS

INCO objects to answering plaintiffs' Interrogatories and responding to their discovery requests when plaintiffs have failed to fully comply with previous Court rulings requiring them to provide the defendants, including INCO, with an indication as to which specific claims have been brought against each defendant and to provide the defendants with certain basic information concerning the plaintiffs who are asserting claims against each defendant.

INCO also objects because the Complaints filed herein are unduly vague and provide no substantive information concerning plaintiffs' presence on INCO's premises either in terms of dates of employment, site of employment, the contractors or contractors by whom plaintiff was employed, or the nature of plaintiff's job function while employed on INCO's premises. Additionally,

4/12/96

information supplied by plaintiffs pursuant to Court Order is unduly vague and provides no substantive information concerning plaintiffs' location on INCO's premises or the nature of plaintiffs' job function. INCO is therefore unable to determine the relevance or appropriate scope of any request for information, particularly insofar as such requests relate to specific claims of exposure on INCO's premises. As a result, each and every request posed by the plaintiffs is overly broad, unduly burdensome and oppressive.

INCO further objects to the use of the words "you" and "your" in plaintiffs' Interrogatories to the extent that they include present and former employees, agents, officers, subsidiaries, divisions, affiliates and predecessor entities, and purports to require INCO to seek and furnish information from, and to rely on behalf of, persons over whom or over which INCO no longer exercises or never exercises control. Such requests, as so construed, are unduly burdensome and not required to be answered by law.

INCO further objects because plaintiffs' use of the phrase "asbestos products" or "asbestos containing products", or "asbestos" as vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence insofar as it relates to or refers to unidentified products and materials which contain asbestos. The mineral asbestos may be found in a wide variety of forms and products, many of which are wholly irrelevant to this action. Additionally, to the extent that many asbestos-containing products cannot be so identified by simple visual analysis, this Interrogatory is unduly

vague and unduly burdensome so as to prohibit sufficient compliance herewith.

In addition, INCO generally objects to plaintiffs' Interrogatories and Request for Production of Documents on the grounds that, for the most part, they are overly broad, oppressive, unduly burdensome and expensive, and not reasonably limited in scope as to time, subject to geographical area, and as a result of violation of Rules 26(b) and 26(g) of the West Virginia Rules of Civil Procedure, in that, among other things, certain specific terms contained in specific discovery requests are not defined, the requests seek information for an extended period of time from 1921 to present, and are not limited by geographic area. INCO also objects to certain Interrogatories on the grounds that they seek information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that they seek information concerning non-asbestos-containing products.

INCO further objects generally to each and every request which seeks confidential trade secrets, financial data, research, development or commercial information, including information relating to the national security of the United States of America, or personal or medical information of its employees, is beyond the scope of permissible discovery.

INCO states at the outset of answering any discovery request served by plaintiffs that INCO Alloys International, Inc. is a Delaware corporation which has maintained a plant in Huntington, West Virginia since the early 1920's. To the best of INCO's knowledge and information, INCO is and has been in

the business of producing high performance alloys to the public utility, defense, and other industries. INCO has never been in the business of manufacturing, producing, selling or distributing asbestos-containing products. INCO, at most, was an end user of asbestos products, and stands on the same footing as those plaintiffs who are making claims in this action in regard to claims for conspiracy, breach of warranty, and fraud on the part of asbestos manufacturers.

Since most, if not all, of plaintiffs' Interrogatories and Request for Production of Documents pertain to facts and circumstances concerning a broad range of matters and issues over an extended period of time beginning as far back as 1921, there is no single officer or employee, or any group of officers or employees of INCO who have personal knowledge of all such matters, facts and information. In addition, INCO has limited documents and records which would assist in responding to any Interrogatories and Request for Production of Documents served on it. Therefore, INCO and its counsel are forced to rely upon information from memories and recollections of various officers and employees of INCO in order to provide a good faith response to the plaintiffs' discovery requests. Based upon the foregoing, INCO reserves its right to supplement, amend, withdraw, or modify any of its responses to discovery which are filed in this matter.

INCO reserves the right to amend this general objection, to assert these objections and other objections at the time it answers discovery propounded by

the plaintiffs, and to further seek relief of the Court in regard to the nature and scope of plaintiffs' discovery requests, or to preclude plaintiffs from having certain discovery, or to preclude information produced during discovery from being produced at trial.

In responding to plaintiffs' interrogatories, INCO does not waive, but expressly reserves all privileges, including but not limited to, those arising out of the attorney-client relationship and under the work product doctrine. Further, by responding to any discovery request, INCO does not concede the relevance of any matter at issue in any of the plaintiffs' Interrogatories and Request for Production of Documents, does not agree to the admissibility into evidence of any information or documents provided, and expressly reserves all evidentiary objections until the time of trial.

INTERROGATORIES

1. Identify by name, address and dates of operation any business location in West Virginia you owned or operated at any time, including the present.

ANSWER: INCO only operates one West Virginia business, in Huntington, West Virginia.

2. Identify the person or entities who developed, wrote or otherwise created:

a. the material specifications for original construction of your premises in West Virginia;

b. the material specifications for repairs of pipes, boilers, and any other structures requiring the use of thermal insulation products, gaskets, heat resistant bricks, heat resistant cements, roofing, asbestos containing extruded pipes, asbestos containing panels and boards and any other asbestos containing products on your West Virginia premises.

c. the material specifications for any asbestos containing thermal insulation products and for any other asbestos containing products to be used in new construction, repair work or any type of work on any premises owned or operated by the defendant in West Virginia at any time;

d. the material specifications for any asbestos used in any manner at any time on any premises owned or operated by the defendant in West Virginia.

i) Identify all documents and witnesses related to the material specifications for those premises.

ii) For any persons identified in response to 2(a) or 2(b) cite who that person's employer was.

ANSWER: a. Objection is made to this request on the grounds that it is overly broad and unduly burdensome. The original construction of the INCO facility in Huntington occurred in 1921, and because of the passage of time, INCO no longer has all documents relating to the construction. Therefore, any response will be premised upon a review of existing documents and the memories of present and former employees, which may provide an incomplete or inaccurate response. Without waiving this objection, and specifically subject to it, INCO has been able to determine that the International Nickel Company prepared some, but not all, of the documents which pertain to the original construction of the current INCO premises.

b. Objection is made to this request on the grounds that it is overly broad, unduly burdensome, is unlimited by time and scope, and requests information over a seventy-year period. Given the breadth and the scope of the interrogatory, INCO is unable, at this time, to provide information regarding material-specifications for every single instance during which a pipe, boiler, or any other structure, which used or may have used thermal insulation products or other asbestos-containing products, was built or repaired. Further, INCO is currently incapable of determining whether "material specifications" were prepared for each and every repair of pipes, boilers, or other structures during the unlimited time period set forth by plaintiffs' discovery request. Without

waiving these objections and specifically subject thereto, INCO developed standard specifications for materials for certain construction activities.

INCO had specifications for the use of certain brand name products at various points in its history, which may or may not have contained asbestos. INCO had a "Standard Steam Service Specification", dated January 16, 1958, which called for the use of Union Asbestos and Rubber Co. "Unibestos" No. 750, Phillip Carey MW-50 insulating cement, Phillip Carey No. 100 smooth finish cement, Phillip Carey "Alltemp" block, and "Arabol" cement (manufacturer unknown). Additionally, INCO had "Standard Water Service Specifications" dated June 26, 1958, which required the use of Phillip Carey "Tempcheck" blocks (or equivalent), the previously identified MW-50 insulating cement, No. 100 hard finishing cement, "Arabol" cement, 3-M "Scotchrap" pressure sensitive tape, and Phillip Carey type No. 1, Grade A, Class 5 or equal asbestos cloth. INCO has no information whether these products contained asbestos or were utilized at the INCO plant.

INCO is currently reviewing its records in regards to other information responsive to this interrogatory and will supplement its response, if necessary.

- c. See objections and answer to 2.b. above.
- d. See objections and answer to 2.b. above.
- i) Standard Steam Service specification, dated 1/16/58; Standard Water Service specifications dated 6/26/58.
- ii) INCO.

3. Were your employees involved in the original construction of, or any additions to or any repairs to any of your West Virginia premises which involved the use of, installation of, removal of, replacement of, or disturbance of any asbestos containing products or raw asbestos fibers? If so, describe how and identify all documents and witness of which you are aware concerning your employees participation in the original construction of, or additions to, those premises.

ANSWER: INCO objects to this interrogatory on the grounds that is overly broad, unduly burdensome and vague, and as such, it is incapable of being answered. INCO is uncertain as to the meaning of the term "involved" and "additions". Additionally, this interrogatory requests information governing a 70-year time period, and it would be impossible for INCO to determine each and every instance where additions or repairs were made to its facilities which "involved" the use of installation of, removal of, replacement of or disturbance of asbestos-containing products. Without waiving this objection and specifically subject to it, INCO has been unable to determine whether its employees were involved in the construction of its original premises in 1921.

4. (a) Please describe the types of insulation materials that were used in the original construction of your premises and state whether those materials contained asbestos and who specified the use of those materials.

(b) Were asbestos products used in repairs or additions to your West Virginia premises? If so, describe when, how, and who specified their use.

(c) Identify all documents and witnesses concerning the specification of asbestos products or asbestos-containing insulation materials in connection with:

- i) the original construction of your premises or;
- ii) any subsequent additions to your premises or;
- iii) with any repairs on your premises.

ANSWER: (a) Unknown.

(b) Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome and not limited to time. Specifically, the terms "repairs" and "additions" are not specifically defined, and could

encompass hundreds and possibly thousands of different operations. Given the vague nature and breadth of this interrogatory, INCO is incapable of determining when, how and who specified the use of all asbestos-containing products contained in its plant. However, without waiving this objection, and specifically subject to it, INCO has currently determined and is currently aware, from its efforts at identifying and removing asbestos products in its plant, that the following types of asbestos-containing products have been located in the plant, at one time or another:

- i) Transite board;
- ii) pipecovering;
- iii) gaskets;
- iv) brakes;
- v) siding;
- vi) roofing material;
- vii) floor tile;
- viii) mastic;
- ix) boiler insulation;
- x) fire doors;
- xi) electrical wire;
- xii) packing;
- xiii) bulk asbestos; and
- xiv) asbestos clothing.

(c) See answer to Interrogatory No. 2(d)(i).

5. For all asbestos containing products used at any time at any West Virginia premises owned or operated by you at any time please provide the following:

a. Specify the different types of asbestos products used at each premises at any time;

b. Identify by brand name the different types of asbestos products used at each premises at any time;

c. Identify the asbestos content, type of asbestos fiber, and percentage of asbestos in the asbestos products used at each premises at any time;

d. State the names and last known addresses of all manufacturers known to you of the asbestos products used at each premises at any time.

ANSWER: Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not limited in time or scope. By way of clarification, the INCO plant in Huntington covers numerous acres and has been in existence since the early 1920's. Given the unlimited scope of this interrogatory, INCO is incapable of determining each and every different type of asbestos product contained in its facility. Subject to this objection, but without waiving it, INCO states the following:

- a. See answer to Interrogatory No. 4.(b).
- b. Unknown as to all products; however, Transite board has been used at various locations in the plant. Additionally, see products listed in response to Interrogatory No. 7.
- c. Unknown without the ability to refer to a particular product at a particular location.
- d. Unknown.

6. During what years did you use, request, order, purchase or specify the use of asbestos containing products and/or the use of asbestos fibers in any form on any premises owned or operated by the defendant in West Virginia at any time?

ANSWER: Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, and is not limited as to time. By way of explanation, INCO's purchasing records, as maintained by INCO's Purchasing Department, are retained for seven years, and INCO currently only has records dating back to 1989. Therefore, it cannot determine what years requests or orders were made prior to 1989. INCO is currently reviewing records of other departments and will supplement this response, if necessary.

Without waiving this objection and specifically subject thereto, INCO has been able to determine that asbestos-containing products were used at the plant, through its efforts at identification and removal of asbestos-containing products at its facility. However, INCO has no way of determining from the asbestos-containing products that it has located whether the products were purchased, requested, ordered or specified by INCO or by a contractor, or during what years.

INCO had specifications for the use of certain brand name products at various points in its history, which may or may not have contained asbestos. INCO had a "Standard Steam Service Specification", dated January 16, 1958, which called for the use of Union Asbestos and Rubber Co. "Unibestos" No. 750, Phillip Carey MW-50 insulating cement, Phillip Carey No. 100 smooth finish cement, Phillip Carey "Alltemp" block, and "Arabol" cement (manufacturer unknown). Additionally, INCO had "Standard Water Service Specifications" dated June 26, 1958, which required the use of Phillip Carey "Tempcheck" blocks (or equivalent), the previously identified MW-50 insulating cement, No. 100 hard finishing cement, "Arabol" cement, 3-M "Scotchrap" pressure sensitive tape, and Phillip Carey type No. 1, Grade A, Class 5 or equal asbestos cloth. INCO has no information whether these products contained asbestos or were utilized at the INCO plant.

7. Did employees of contractors participate in:
- a. the original construction of any of your West Virginia premises? If the answer is yes:
 - i) describe the names of such contractors and how and when such employees participated;
 - ii) whether the contractors installed pipes, boilers, or insulation materials and when the installation occurred.
 - b. Identify all documents and witnesses concerning this participation.

ANSWER: a. Objection is made to this request on the grounds that it is overly broad and unduly burdensome. The original construction of the INCO facility in Huntington occurred in 1921, and because of time involved, INCO does not have all documents relating to the construction. Therefore, any response will be premised upon a review of existing documents and the

memories of present and former employees. Thus, INCO cannot insure an accurate response. Without waiving this objection and specifically subject thereto, INCO has made a reasonable inquiry and has been unable to determine whether employees of contractors participated in the 1921 construction of the Huntington facility.

- i) See answer to 7.a. above.
- ii) See answer to 7.a. above.
- b. See answer to 7.a. above.

8. Other than in connection with asbestos abatement work done by a licensed asbestos abatement contractor, when asbestos-containing products on your premises have been installed, repaired or removed for any purpose for calendar years 1920-1971 describe:

- a. Which crafts among your employees performed this work;
- b. Whether employees of contractors performed this work, and if so, provide the names of the contractors whose employees performed this work and the dates during which this was done;
- c. The identity of all documents and witnesses concerning or related to the answers to (8a) or (8b) above.

ANSWER: a. Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, and is not limited to time. INCO has no way of determining when asbestos-containing products were installed, repaired or removed at all times during its 75-year history. Therefore, it cannot identify which crafts were involved in connection with particular operations.

b. Objection is made to this interrogatory on the grounds that it is overly broad, unduly burdensome, and is not reasonably limited in time. INCO has no way of determining each and every instance when asbestos-containing products were installed, replaced or removed during its 75-year

history. Therefore, it cannot identify whether employees of contractors were involved.

c. See answer to 8.a. and 8.b. above.

9. Other than in connection with asbestos abatement work done by a licensed asbestos abatement contractor, when asbestos-containing products on your premises have been installed, repaired or removed for calendar years 1971 and later describe:

a. Which crafts among your employees performed this work;

b. Whether employees of contractors performed this work, and, if so, provide the names of the contractors whose employees performed this work and the dates during which this was done;

c. The identity of all documents and witnesses concerning or related to the answers to (9a) or (9b) above.

ANSWER: a. Objection is made to this interrogatory on the grounds that it is overly broad, unduly vague, unduly burdensome and not limited in time. Without clarification as to the particular installation, repairs or removal of asbestos-containing products, INCO cannot determine whether it was performed by INCO employees or a contractor's employees.

b. Objection is made to this interrogatory on the grounds that it is overly broad, unduly vague, unduly burdensome and not limited in time or scope. Without clarification as to the particular installation, repairs or removal of asbestos-containing products, INCO cannot determine whether employees of contractors performed this work.

c. See objection to 9.a. and 9.b. above.

10. Before 1972 with regard to your own employees, did you have in effect any work practices or safety rules regarding handling asbestos-containing products?

- a. If so, describe those practices or rules and the dates of implementation.
- b. Identify all documents and witness regarding these work practices or safety rules.

ANSWER: a. INCO has conducted a reasonable investigation and has not been able to determine whether it had any work practices or safety rules specifically regarding asbestos-containing products. INCO's investigation in this regard continues and this response will be supplemented, if necessary.

- b. See answer to 10.a. above.

11. During 1972 or after, with regard to your own employees, did you have in effect any work practices or safety rules regarding handling asbestos-containing products?

- a. If so, describe those practices or rules and the dates of implementation.
- b. Identify all documents and witnesses regarding these work practices or safety rules.

ANSWER: Yes.

- a. 1) An April 17, 1974 memo from L.A. Daniels to W.J. Moore sets forth practices for working with products such as asbestos cloth, transite board and other products. This document will be produced at a mutually agreed upon time and place.

- 2) An August 22, 1974 memo also discusses precautions to be used with bulk asbestos. This document will be produced at a mutually agreed upon time and place.

- 3) A November 3, 1978 memo from W.W. Thomas to all Departmental Superintendents sets forth engineering methods, work practices, the use of personal protective equipment, monitoring, caution signs and labels,

and housekeeping. This document will be produced at a mutually agreed upon time and place.

4) On June 10, 1982, INCO issued a job safety analysis (JSA), C/A No. 02-X9-16, for handling asbestos-containing products. The requirements are set forth in the job specifications, which will be made available for inspection and copying at a mutually agreed upon time and place.

5) C/A No. 02-X9-16, mentioned in Paragraph 4) above, was subsequently replaced with an "Asbestos Removal Plan" dated April 5, 1991. The requirements are set forth in this document, which will be made available for inspection and copying at a mutually agreed upon time and place.

6) A comprehensive asbestos removal plan which was developed during the course of the year 1994. All documents will be made available for inspection at a mutually agreed upon time and place.

b. See answer to 11.a. above.

12. During 1972, or after, with regard to employees of contractors, did you have in effect any work practices or safety rules regarding handling asbestos-containing products?

a. If so, describe those practices or rules and the dates of implementation.

b. Identify all documents and witnesses regarding these work practices or safety rules.

ANSWER: See answers to Interrogatory Nos. 10 and 11. Additionally, INCO's standard contractor agreement, PEG-104, contractor safety and environmental requirements, contains instructions concerning handling asbestos-containing products.

a. Practices are contained within the document.

- b. See answer to Interrogatory No. 12, above.

Note: For Interrogatories 13 through 17 below, please exclude from your answer any air sampling done in connection with asbestos abatement work done by licensed abatement contractors.

13. Before 1972, did you conduct or have conducted on your premises any air sampling to determine the level of asbestos or asbestos-containing dust in areas where your employees worked?

- a. If so, identify the dates of such sampling and provide the results.
- b. Identify all documents or witnesses concerning such sampling.

ANSWER: At the present time, INCO has not been able to find any documents or records which would indicate any air sampling specifically designed to determine the level of asbestos or asbestos-containing dust prior to 1972. INCO is currently in the process of reviewing its files and checking with present and former employees, and will supplement its response to this interrogatory, if necessary, after further investigation.

14. During 1972 or after did you conduct or have conducted on your premises any air sampling to determine the level of asbestos or asbestos-containing dust in areas where your employees worked?

- a. If so, identify the dates of such sampling and provide the results.

- b. Identify all documents or witnesses concerning such sampling.

ANSWER: Yes.

a. INCO has been able to find records of air sampling which cover the period of June 8, 1977 through January 28, 1992, constituting 78 samples. These records are maintained in INCO's computer system, and a print out will be made available for inspection and copying at a mutually agreed upon place and time.

- b. See answer to 14.a. above.

15. Before 1972, did you conduct or have conducted on your behalf any air sampling to determine the level of asbestos or asbestos-containing dust in areas where employees of contractors worked?

- a. If so, identify the dates of such sampling and the results.
b. Identify all documents or witnesses concerning such sampling.

ANSWER: Objection is made to Interrogatory No. 15 because INCO is unable to determine what was an "area where employees of contractors worked". Without waiving objection, at the present time, INCO has not been able to find any documents which would indicate any air sampling specifically designed to determine the level of asbestos or asbestos-containing dust prior to 1972. INCO is currently in the process of reviewing its files and checking with present and former employees, and will supplement its response to this interrogatory, if necessary, after further investigation.

16. In 1972 or afterwards, did you conduct or have conducted on your behalf any air sampling to determine the level of asbestos or asbestos-containing dust in areas where employees of contractors worked?

- a. If so, identify the dates of such sampling and the results.
- b. Identify all documents or witnesses concerning such sampling.

ANSWER: a. INCO objects to this interrogatory on the grounds that INCO is unaware of the meaning of the phrase "where employees of contractors work". Without waiving this objection, and specifically subject to it, INCO has been able to find records of air samples beginning June 8, 1977 through January 28, 1992, at various places in the plant. If employees of contractors were working in areas where these air samples were taken, then air sampling was conducted in areas where employees of contractors worked. However, given the Court's prohibition on plaintiff-specific discovery, INCO has absolutely no way to determine where employees of contractors were working between 1977 and the present to determine whether air sampling was taken areas where they were working.

- b. See objection to 16.a. above.

17. Have you conducted or had conducted on your behalf any asbestos abatement work on your premises?

- a. If so, describe the date of such work and identify all documents and witnesses concerning air sampling or bulk sampling for asbestos-containing materials.

- b. Provide the dates of air sampling done in connection with asbestos abatement work.

OBJECTION. Objection is made to this interrogatory on the grounds that the term "abatement" is unduly vague, inasmuch as "abatement" could mean removal of any asbestos-containing products. Without waiving this objection and specifically subject to it, yes.

ANSWER: a. INCO has been taking steps to remove asbestos from its premises since the early 1970's. INCO currently maintains records for abatement from 1991 to the present, and it is presently searching its files to

determine whether other records exist. These records will be made available for inspection and copying at a mutually agreed upon time and place.

b. Dates of air sampling will be included in the records of abatement, which will be made available for inspection and copying at a mutually agreed upon time and place.

18. Have you at any time done any bulk sampling on your premises to determine which insulation products contain asbestos? If so, please state:

a. The dates and results for each such sampling and identify all documents or witnesses concerning such sampling; and,

b. The location on your premises where any asbestos containing products were found as a result of any such sampling; and,

c. If any such sampling was done as a part of an asbestos abatement plan please identify all documents and witnesses known to you regarding any such plan and sampling.

ANSWER: Objection is made to the term "bulk sampling" on the grounds that it is unduly vague. Without waiving objection and specifically subject to it, yes.

a. INCO has been able to determine, through investigation, that bulk sampling has occurred in the 1990's. Other sampling may have occurred, and INCO's investigation in this regard continues. As a result, this response will be supplemented, if necessary. Documents are in the possession of INCO and will be made available for inspection and copying at a mutually agreed upon time and place.

b. Various areas of the plant, which are identified within the documents.

c. See answer to 18.a. above.

19. Have you ever had complaints from your own employees concerning the presence of asbestos-containing products or asbestos dust on

your premises? If so, state the date of such complaint and identify all documents and witnesses concerning such complaints. This inquiry is directed to all premises operated by you, not just premises identified in Interrogatory No. 2.

ANSWER: INCO objects to this Interrogatory on the grounds that the term "complaints" is unduly vague of present and former employees. INCO has been informed that it is subject to a number of Mandolidis claims brought by lawyers associated with the law offices of James F. Humphreys and Calwell & McCormick. However, the complaints filed are generic in nature and contain no specific allegations against INCO. Further, INCO has, since the late 1980's, received a number of Workers' Compensation claims allegedly arising from exposure to asbestos. Without waiving this objection and specifically subject to it, INCO has conducted a reasonable inquiry and is not presently aware of any complaints. However, complaints may have been made to former employees, or made in an informal manner, of which INCO would not be aware.

20. (a) Have there been any complaints by employees of contractors concerning the presence of asbestos, asbestos products, or asbestos dust on any premises operated by you.

(b) Provide the dates of such complaints. This Interrogatory concerns all premises operated by you not just those identified in response to Interrogatory No. 2. Identify all documents or witnesses concerning any such complaints.

ANSWER: INCO objects to this interrogatory on the grounds that it is unduly vague and that the term "complaints" is ill-defined. INCO has been subject to a number of civil actions filed in the Circuit Court of Putnam County and Kanawha County, West Virginia, on behalf of plaintiffs

represented by James F. Humphreys or Calwell & McCormick. According to information supplied by those two attorneys, some plaintiffs are employees of contractors who allege damages as a result of asbestos at the INCO plant in Huntington, West Virginia. Additionally, INCO is not aware of any other complaints.

21. (a) Has OSHA or any governmental agency cited or investigated you for any matter related to asbestos, asbestos exposure, asbestos work practices, record keeping of employees exposed to asbestos or any other matter concerning or in any way related to asbestos? If so, identify all documents or witnesses concerning such citation. In addition, state the dates of the citation, and give a general description of the alleged reason for the citation and describe the ultimate outcome of the OSHA or other governmental agency citation or investigation. This question applies to all of your business operations, not just those in West Virginia.

(b) Identify all documents and witnesses concerning actions or citations identified in 21(a) above.

ANSWER: INCO is currently reviewing its records to determine any instances of investigations or citations from OSHA or other agencies, and INCO will supplement this response once this information becomes available.

22. Identify all documents in your possession at any location regarding communications made to, from, or concerning any of your employees or employees of any of your contractors concerning health hazards caused by exposure to asbestos.