



RECEIVED
JUL 28 1981
LEGAL DEPARTMENT

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

Ronald Adams,

Plaintiff,

vs.

3-81-238

Johns-Manville Sales Corporation,
et al.,

Defendants.

Bruce DeCosse,

Plaintiff,

vs.

3-80-290

Johns-Manville Sales Corporation,
et al.,

Defendants.

DEFENDANT OWENS-CORNING
FIBERGLAS CORPORATION'S
ANSWERS TO PLAINTIFF'S
INTERROGATORIES

Gerald Plante,

Plaintiff,

vs.

3-80-288

Johns-Manville Sales Corporation,
et al.,

Defendants.

Ernest Whitman,

Plaintiff,

vs.

3-81-237

Johns-Manville Sales Corporation,
et al.,

Defendants.

In accordance with the provisions of Rule 33, Federal Rules of Civil Procedure, Owens-Corning Fiberglas Corporation, hereby answers the Interrogatories of Plaintiffs as follows:

1. Answer: Answers to these interrogatories were prepared based upon a search of presently existing corporate files and records regularly maintained in the ordinary course of business of Owens-Corning Fiberglas Corporation and also information contained during interviews with various employees of the company. No single officer, employee or agent of the company has the direct knowledge or the proper documents necessary to supply each and every answer required. All answers are derived from a number of sources, persons and documents. The person signing the answers to these interrogatories does so solely to satisfy whatever signature requirements may exist under the applicable rule of civil procedure. The person signing the answers does not, however, have direct knowledge regarding any specific answer but is informed that the files, documents and interviews referred to above do support the responses based upon information available as of the date of signature. If information is later obtained which changes, modifies or enlarges any of the answers here presented, such information will be conveyed to the parties submitting these interrogatories. These interrogatories are signed by Daniel M. Phillips, Senior Counsel - Litigation, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. The telephone number of the corporation is A/C 419/248-8000.

2. Answer:

(a) Yes, this defendant has held a Certificate of Authority to do business in Minnesota since April 7, 1970.

(b) Defendant's principal place of business is Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

(c) This defendant purchased certain assets of the Berlin, New Jersey Kaylo manufacturing plant from Owens-Illinois, May 1958 and purchased the Chembest Division Bloomington, Illinois plant from Unarco in April 1970.

3. Answer: Yes.

4. Answer: No.

5. Answer: Yes.

6. Answer:

(a-g) See attached Exhibit 1.

(h) Asbestos fibers were purchased from Lake Asbestos of Quebec, Carey Canadian Asbestos, North American Asbestos and Johns-Manville.

7. Answer: Yes.

8. Answer:

(a-c) See attached Exhibits 2 and 3.

9. Answer: Yes.

10. Answer:

(a-d) During the period of time that this defendant manufactured asbestos-containing pipe, block and core insulating materials, changes were made in the total amount of asbestos incorporated into the product and in the ratio of amosite and chrysotile asbestos used. In 1972, this defendant removed all asbestos from Kaylo.

Variations occurred in the asbestos content because of attempts to strengthen the product. Asbestos was removed from Kaylo because of more definitive medical literature relative to the effects of asbestos inhalation by workers in the industry and individuals working as insulators.

11. Answer: Yes.

12. Answer:

(a-b) This defendant performed numerous tests relating to breakage, shrinkage, density, corrosion, and thermal conductivity which are too voluminous to list.

Other documents exist which relate to Animal Experimentation Studies conducted for Owens-Illinois by Saranac Laboratories. The originals of these documents are in the possession of the law firm of the defunct Saranac Laboratory; however, this defendant has copies of those documents which were obtained at a deposition in Saranac Lake, New York, in May, 1979.

13. Answer: No.

14. Answer: N/A.

15. Answer: See Answer to Interrogatory No. 11.

16. Answer:

(a-b) See Answer to Interrogatory No. 12.

17. Answer: No.

18. Answer: N/A.

19. Answer: Yes.

20. Answer:

(a-d) This defendant on its own and through the National Insulation Manufacturers Association prepared and disseminated to contractors, distributors and insulators information regarding the health hazards associated with asbestos containing insulation. In 1968 NIMA published a pamphlet entitled "Recommended Health Safety Practices for Handling and Applying Thermal Insulation Products Containing Asbestos." That pamphlet was distributed at meetings of the Insulation Distributor Contractors National Association. Additionally, this defendant distributed that pamphlet to its Branch Managers and Supply Contracting Managers with instructions to review the matter with their salesmen.

This defendant also participated through the Education and Legislative Committee of NIMA in regional meetings of the IDCNA in presenting to the distributors and contractor programs on health and safety. At those meetings, contractors and distributors 1) were advised of the current status of health

and safety activities pertinent to their business, 2) were given copies of NIMA publications on health and safety practices and medical research literature, 3) discussed the contents of those publications, 4) discussed the merits of proposed pre-employment and periodic physical examination programs on a cooperative employer-employee basis, 5) were urged to establish regional health and safety committees, and 6) were given an opportunity to ask questions of the experts. This defendant believes that Mr. Hutchinson, President of the National Asbestos Workers Union was present at, at least one of these meetings.

(e) Unknown as to each person who has possession of documents; however, this defendant's Law Department does have a copy.

(f) Not to the present knowledge of this defendant.

21. Answer: Yes. However, this defendant did not commence the sale of asbestos-containing insulation until 1953 and did not commence the manufacture of such product until 1958. Manufacture of such product ceased in November 1972 and the sale of such product in early 1973. Warnings appeared on the packaging.

22. Answer:

(a-b) Kaylo 1967; Fyrcor 1970/1971; SC-30 and SC-40 (cements manufactured and rebranded for defendant by Eagle-Picher) - 1964.

(c-d) The following warning was printed on containers used to ship Fyrcor products: This product contains asbestos fibers. Inhalation of asbestos fibers in excessive quantities over long periods of time may be harmful. Avoid breathing the dust. If adequate ventilation control is not possible, wear respirators of a type approved by the U.S. Bureau of Mines for pneumoconiosis dusts."

The following warning was printed on the container used to ship Kaylo: "This product contains asbestos fiber. If dust is created when this product is handled, avoid breathing

the dust. If adequate ventilation control is not possible, wear respirators approved by the U.S. Bureau of Mines."

The following warning was printed on the bags of cement manufactured by Eagle-Picher and rebranded for Owens-Corning Fiberglas Corporation: CAUTION: This product contains asbestos fiber. Inhalation of asbestos in excessive quantities over long periods of time may be harmful. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirators approved by the U.S. Bureau of Mines for pneumoconiosis producing dust." See attached Exhibits 4, 5 and 6.

(e) Yes. The Kaylo warning was amended November 4, 1970. Please see attached Exhibit 7.

(f) No, not to the present knowledge of this defendant.

22A. Answer: None prior to the time this defendant placed warnings on its Kaylo product and other than the warnings Eagle-Picher placed on the cements (SC-30 and SC-40) rebranded for this defendant and the warnings J-M was to have placed on certain of its Thermobestos.

(a-b) See answer to Interrogatory 21A.

(c) To OCF's knowledge the J-M label stated:

CAUTION

This product contains asbestos fiber.

Inhalation of asbestos in excessive quantities over long periods of time may be harmful.

If dust is created when this product is handled, avoid breathing the dust.

If adequate ventilation control is not possible, wear respirator approved by U.S. Bureau of Mines for pneumoconiosis producing dust.

For the Eagle-Picher caution see Exhibit 6.

(d) See answer to Interrogatory 21A.

23. Answer: Yes.

24. Answer:

(a-g) Objection, to date, this defendant has been served in excess of 9,500 lawsuits and to supply the information requested would be unduly burdensome, immaterial and not likely to lead to the discovery of admissible evidence.

25. Answer: Yes.

26. Answer:

(a) Law Department, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

(b) Fibreboard Corporation, Armstrong Cork, Eagle-Picher, Keene Corporation, GAF Corporation, and Combustion Engineering, Inc.

(c) Unknown discovery continues.

(d) Yes, Eagle-Picher and Armstrong Cork.

27. Answer: Yes.

28. Answer: Discovery is continuing. This interrogatory will be answered and supplemented when appropriate information becomes available.

29. Answer: Yes.

30. Answer: Aetna Casualty and Surety Company. See attached Exhibit 8.

31. Answer: Based upon this defendant's present knowledge of the health hazards associated with asbestos, no.

32. Answer: N/A.

33. Answer:

(a-b) See answer to Interrogatory No. 22, as well as the attached Exhibits 9, 10, and 11.

34. Answer: No, not to the present knowledge of this defendant.

35. Answer: N/A.

36. Answer:

(a) North American Asbestos, Lake Asbestos of Quebec, Carey Canadian and Johns-Manville.

(b) None to the present knowledge of this defendant.

(c) N/A.

37. Answer:

(a) Berlin, New Jersey and Bloomington, Illinois plants. Defendant manufactured pipe, block and core insulating materials at its Berlin, New Jersey plant and only core material at its Bloomington, Illinois plant.

(b) 1958 to 1972.

(c) Please see answer to Interrogatory No. 26.

(d) Please see answer to Interrogatory No. 22(a).

38. Answer:

(a) During the period from 1960-1972, the Pabco Division of Fibreboard manufactured asbestos-containing insulation for this defendant which was sold as Kaylo.

This defendant believes that sometime during the period from 1958 to 1960 Johns-Manville manufactured an asbestos-containing insulation for this defendant.

During the period from 1958 to 1968, Eagle-Picher manufactured asbestos-containing cement for this defendant which was sold at SC-30 and SC-40.

From time to time asbestos-containing products were purchased for use on job sites, exact amounts and from whom are unknown.

(b) None other than the warnings contained on the cement rebranded by Eagle-Picher. See answer to Interrogatory 21A(c).

(c) See answer to Interrogatory No. 21A(a).

39. Answer: Yes, this defendant imported raw asbestos.

40. Answer:

(a) Canada - Carey Canadian Mines Ltd., Lake Asbestos, and Johns-Manville.

Africa - This defendant purchased amosite from North American Asbestos Corporation which imported that asbestos from Africa.

(b) Presently available records indicate purchase of asbestos fibers from Carey Canadian Mines Ltd. and North American Asbestos Corporation from 1964-1972. We have been unable to locate asbestos purchase records prior to 1964.

(c) No.

(d) N/A.

41. Answer: Yes.

42. Answer:

(a) Generally throughout the United States.

(b) From 1953 to early 1973.

(c) Kaylo was rebranded for Eagle-Picher under their name Hy-Lo beginning sometime around 1958/1960. The date the rebrand ended is unknown at present. Kaylo was rebranded for Armstrong Cork under their name of Armstrong LK Insulation. The dates of these transactions are unknown at present. Defendant does not presently have information with which to answer this interrogatory with regard to the tonnage and dollar amount of sales.

43. Answer:

(a) See answer to Interrogatory No. 22(c-d).

(b) Kaylo - 1967; Fyrcor - 1970/1971; SC-30 and SC-40 cements - 1964 (rebranded for OCF by Eagle-Picher).

44. Answer:

(a-b) This defendant ceased manufacturing asbestos-containing insulation products in 1972 and ceased selling such products in early 1973.

(c) This defendant ceased the manufacture and sale of asbestos-containing insulation because this defendant wanted to use its own product, fiberglass, as an ingredient in industrial insulation and because of more definitive medical literature relative to asbestos and health.

45. Answer: Not to the defendant's present knowledge.

46. Answer: N/A.

47. Answer: Not to present knowledge of this defendant.

48. Answer: N/A.

49. Answer: Defendant objects to this interrogatory on the grounds that it is too speculative.

50. Answer: N/A.

51. Answer: No.

(a-d) N/A.

52. Answer: This defendant's only medical director was hired January 15, 1968, and remains in that position at present. His name is Dr. J. L. Konzen and he is located at the Fiberglas Tower, Toledo, Ohio 43659.

53. Answer: R. A. Yudkin, Senior Vice President.

54. Answer: The duties and responsibilities of this defendant's medical officer are to plan, promulgate, and implement programs which help the health and welfare of this defendant's employees.

55. Answer: Dr. Jon L. Konzen, Corporate Medical Director, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Hired: 1/15/68 and continues in this position. The Corporate Medical Director's duties and responsibilities are to plan, organize, and direct medical programs for the employees in the operations of Owens-Corning Fiberglas Corporation.

Dr. D. J. Billmaier, Assistant Corporate Medical Director, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Hired 12/30/74 and continues in this position. The Assistant Corporate Medical Director has staff responsibility for the development and implementation of occupational health programs and activities within the corporation, with special emphasis on plant locations. He assists the Medical Director in developing and implementing all Owens-Corning Medical Policies. He coordinates with other corporate staff functions such as

personnel, safety, industrial relations, legal, and equal employment opportunity.

Dr. S. K. Remley, Corporate Staff Physician, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Hired 2/5/79 and continues in this position. (Dr. Remley has been utilized as Health Center Physician since 9/18/69 on a Contract type basis. As of 2/5/79, he was added to our payroll on a Permanent Part Time basis.) The duties and responsibilities of this position are to provide medical services for Toledo employees, to include preplacement and periodic examinations, and diagnosis and treatment of illnesses or injuries. Advise supervisors and management on medical aspects of employees' problems. Implement preventative health programs.

Berlin Doctors

Berlin, New Jersey Manufacturing facility used the services of Dr. H. C. Schwartz (deceased) from 1958 to 1970. Since then --

Dr. John McNally
214 Whitehorse Pike
Berlin, New Jersey

Services have been used from 4/27/70 to the present. These doctors were used for pre-employment physicals and for periodic physical exams.

Bloomington Doctors

Bloomington, Illinois Manufacturing facility used the services of the following doctors:

Dr. Geo. B. McNeely
2302 E. Oakland Avenue
Bloomington, Illinois
April, 1970 to July, 1977

Dr. N. Lee Still
2103 E. Washington
Bloomington, Illinois
July, 1977 to July, 1978

Dr. James A. Bilyeu
1 Medical Hills Avenue
Bloomington, Illinois
July, 1978 to present

These doctors were used for pre-employment physicals and periodic physical examinations and were/are used on a contract basis for their services performed.

Doctors used for reading chest x-rays, medical examinations and consultation of plant employees at Berlin, New Jersey and Bloomington, Illinois:

<u>Physician/Consultant and Last Address</u>	<u>Project and Responsibility</u>	<u>Date</u>	<u>Plant</u>	<u>Writer Report</u>
Richard M. Sproch, M.D. 350 Kings Highway, E. Haddonfield, NJ	Reading of chest x-ray films of Plant employees	1961- 64	Berlin	Yes
E. Spencer Paisley, M.D. 501 White Horse Pike Haddon Heights, NJ 08035	Medical Exams and consultation	1969 to present	Berlin	Yes
I. T. Higgins, M.D. School of Public Health University of Michigan Ann Arbor, MI 48104	Reading of chest x-ray films of	1969 to 1970	Berlin	Yes
George Wright, M.D. (retired) 460 S. Marion Parkway Parklane Apts. Denver, CO 80209 Dr. Wright was Director or Chief of Research at St. Lukes Hospital in Cleveland, Ohio.	Reading of chest x-ray films of plant employees	1971	Berlin and Bloomington	Yes
Dr. Harold Magnuson Institute of Industrial Health University of Michigan Ann Arbor, MI	Read chest x-ray films of plant employees	1958 to approx. 1961	Berlin	Yes
Walter Whitehouse, M.D. Paul Scholtens, M.D. Theodore Dietchek, M.D. Institute of Industrial Health University of Michigan Ann Arbor, MI	Read chest x-ray films of plant employees	1958 to 1961	Berlin	
Drs. Goldberg, Keinle, Steeb, Schaupp (Radiology Group) West Jersey Hospital Berlin, NJ	Read chest x-ray films	1965 to present	Berlin	

Dr. C. R. Johnson Professional Health Services (Mobile Van Testing)	Read chest x-ray films	1974 to present	Berlin
Joseph W. Sokolowski, Jr., M.D. 1916 E. Malton Pike Cherry Hill, NJ	Pulmonary consultant	1974 to present	Berlin
Bloomington Radiology Bloomington, IL	Read chest x-ray films	1970- 1974	Bloomington
St. Joseph's Hospital Radiology Department Bloomington, IL	Read chest x-ray films	1974- 1978	Bloomington
James Bilyeau, M.D. 1 Medical Hills Drive Bloomington, IL	Read chest x-ray films	1978 to present	Bloomington

Doctors used for exams of Contract Unit Employ. (In 1973 these doctors were used for exams - some or all may still be used.)

Richard K. Bath, M.D. 1124 Carew Towers Cincinnati, Ohio	Alexander Greer, M.D. West 104th Fifth Spokane, Washington 99204
Sutter Clinic, Inc. 819 Locust Street St. Louis, Missouri 63101	Leon A. Sealey, M.D. Northwest Industrial Medical Clinic 1500 First Avenue, South Seattle, Washington 98101
Willis Taylor, M.D. West Side Family Health Care Center 700 N. High School Road Indianapolis, Indiana	Rodman Wilson, M.D. 3300 Providence Drive Suite 301 Anchorage, Alaska 99504
Drs. Vanthoff, Yost, Kempers & Vroon ATTN: Dr. Richmond 50 College S.E. Grand Rapids, Michigan	Wm. D. Forney, M.D. 425 W. Bannack Boise, Idaho 83702
Roberg D. Helferty, M.D. Industrial Medical Center PC, Inc. 1116 Ann Arbor Street P. O. Box 3310 Flint, Michigan 48503	John J. Krygier, M.D. 511 S. W. 10th Street Portland, Oregon
National Medical Consultants, Inc. (Clinic) Suite 414 Fox Ridge Tower 5700 Broodmoar Mission, Kansas 66202	Dr. Benjamin Schneider 123 E. Market Street Danville, Pennsylvania
Maurice Johnston, M.D. Kelsey-Seybold Clinic 6624 Fannin Street Houston, Texas 77025	Dr. Melvin Bechtel 10804 Prairie Hills Drive Omaha, Nebraska 68144
	Dr. Gordon Neilson Page Medical Center 800 Elm Page, Arizona

Dr. Roy Hardman
5432 I. H. 35
Austin, Texas 78744

Dr. Arnold Albert
1028 South Alamo
San Antonio, Texas

Dr. Patrick Clancy
400 "0" Street
Sacramento, California 95814

Dr. J. J. Applegarth
384 Post Street
San Francisco, California 94102

Dr. A. V. Swanberg
610 7th Street
Kalespell, Montana 59901

D. Dwight Culver, M.D.
College of Medicine -
Dept. of Community &
Environmental Medicine
Med. Surg. II - Room 367
University of California
Irvine, California

Dr. Kaare Lovall
Family Medical Clinic Building
2132 N. Cedar
Holt, Michigan 48842

Riverside Clinic
ATTN: W. McCauley, Adm.
8445 E. Jefferson
Detroit, Michigan 48214

56. Answer:

(a-b) Gerald Devitt was hired as Industrial Hygienist in August, 1970, and remains in this position as Chief Industrial Hygienist. He is employed in the Fiberglas Tower, Toledo, Ohio. His duties and responsibilities are to evaluate and recommend programs relating to the industrial hygiene of this defendant's employees. Also, F. W. Lichtenberg was hired as a technical information specialist in April, 1975, and became an industrial hygienist in March, 1977, until June 30, 1980. Regina Brown was hired as an Industrial Hygienist June 15, 1980 and continues in this position to date.

57. Answer:

(a) In various memoranda recently discovered in this defendant's historical files.

(b-c):

- (1.) Konzen to J. H. Thomas, March 29, 1968. (Exhibit 12)
- (2.) Konzen to J. H. Thomas, May 27, 1968. (Exhibit 13)
- (3.) Konzen to P. H. Scheuerle, December 5, 1968.
(Exhibit 14)
- (4.) Konzen to Record, February 28, 1969. (Exhibit 15)
- (5.) Konzen to Saxby, April 18, 1969. (Exhibit 16)

- (6.) Konzen to Daily, April 28, 1969. (Exhibit 17)
- (7.) Konzen to Scheuerle, May 21, 1969. (Exhibit 18)
- (8.) Konzen to Scheuerle, June 25, 1969. (Exhibit 19)
- (9.) Konzen to Scheuerle, July 1, 1969. (Exhibit 20)
- (10.) Konzen to Scheuerle, September 8, 1969. (Exhibit 21)
- (11.) Taylor to Hardwick, April 10, 1968. (Exhibit 22)
- (12.) Konzen to Staelin, April 16, 1969. (Exhibit 23)
- (13.) Taylor to Edwards, April 22, 1964. (Exhibit 24)
- (14.) Edwards to Staelin, August 12, 1964. (Exhibit 25)
- (15.) Taylor to Edwards, October 26, 1964. (Exhibit 26)
- (16.) Edwards to Pfeiffer, Taylor, Burch and Logan,
January 22, 1965. (Exhibit 27)
- (17.) Johnson to Staelin, October 27, 1966 (Exhibit 28)
- (18.) Hardwick to Thomas, November 1, 1966. (Exhibit 29)
- (19.) Minutes of I&C, R&D Review, November 4, 1966.
(Exhibit 30)
- (20.) Shannon to Vyverberg, November 14, 1966. (Exhibit 31)
- (21.) Taylor to Hardwick, February 16, 1967. (Exhibit 32)
- (22.) Taylor to Hardwick, February 21, 1967. (Exhibit 33)
- (23.) Shannon to Thomas, June 21, 1967. (Exhibit 34)
- (24.) Scheuerle to Grant, August 27, 1968. (Exhibit 35)
- (25.) Kevlin to Saverstrom, April 17, 1969. (Exhibit 36)
- (d) See exhibits designated above.

58. Answer:

Journal of Occupational Medicine
Industrial Hygiene Digest (literature abstracts)
American Industrial Hygiene Association Journal
Journal of Occupational Safety and Health
New England Journal of Medicine
The Medical Letter
Archives of Environmental Health
Occupational Safety and Health Reporter (BNA)

Chemical Reporter (BNA)

Journal of American Medical Association

American Journal of Public Health

Archives of Internal Medicine

British Journal of Industrial Medicine

The Medical Clinics of North America

Discovery continues as to this defendant's awareness of articles pertaining to the hazardous potentials of asbestos.

58A. Answer: Objection. This interrogatory is overly broad and burdensome. Further, this information is as readily available to plaintiff as it is to this defendant.

59. Answer: None to the present knowledge of this defendant.

60. Answer: (a-f) N/A.

61. Answer: None to the present knowledge of this defendant.

62. Answer: None to the present knowledge of this defendant.

63. Answer: N/A.

64. Answer: This defendant has had a Research and Development Department since 1938 and it has operated continuously since that time. This defendant has never maintained a medical research department.

65. Answer: See answer to Interrogatory No. 58.

66. Answer: Yes.

(a) Instructions regarding recommended health and safety practices were issued in 1967 or 1968.

(b-c) In addition to the warnings placed on our products, a pamphlet entitled "Recommended Health Safety Practices for Handling and Applying Thermal Insulation Products Containing Asbestos" was published in 1968 by the National Insulation

Manufacturers Association. The pamphlet was then distributed at meetings of the Insulation Distributor Contractors National Association. Additionally, this defendant distributed that pamphlet to its branch managers, S&C supervisors, HBP supervisors, and S&C managers, with instructions to review the matter with their salesmen.

This defendant also participated through the education and legislative committee of NIMA, at regional meetings of the IDCNA in presenting to the distributors and contractors programs on health and safety. At those meetings, contractors and distributors: 1) were advised of the current status of health and safety activities pertinent to their business, 2) were given copies of the NIMA publications on health and safety practices and medical research literature, 3) discussed the contents of those publications, 4) discussed the merits of the proposed pre-employment and periodic physical examination programs on a cooperative employer-employee basis, 5) were urged to establish regional health and safety committees, and 6) were given an opportunity to ask questions of the experts.

(d-e) See Exhibits 37, 38, and 39 attached.

67. Answer: No.

68. Answer: Based on present information, no.

69. Answer: Not to the present knowledge of this defendant.

70. Answer: Not to the present knowledge of this defendant.

71. Answer: Yes. 1942 - 1950 and 1953 to present.

72. Answer: No, not to the present knowledge of this defendant. If information is learned that could indicate attendance, then this interrogatory will be supplemented accordingly.

73. Answer: Based on present information, this defendant received the following from IHF:

Industrial Hygiene Digests

<u>1954</u> Jan. - Dec.	<u>1963</u> Jan. - Dec.	<u>1974</u> Jan. - Dec.
<u>1955</u> Jan. - Dec.	<u>1964</u> Jan. - Dec.	<u>1975</u> Jan. - Dec.
<u>1956</u> Jan. - Dec.	<u>1965</u> Jan. - Dec.	<u>1976</u> Jan. - Missing Dec. - Missing
<u>1957</u> Jan. - Dec.	<u>1966</u> Jan. - Dec.	<u>1977</u> Jan. - Dec.
<u>1958</u> Feb. - Missing Jul. - Missing Aug. - Missing Sept. - Missing Oct. - Missing	<u>1967</u> Jan. - Dec.	<u>1978</u> Jan. - Dec.
	<u>1968</u> Jan. - Dec.	<u>1979</u> Jan. - Dec.
<u>1959</u> None	<u>1969</u> Jan. - Dec.	<u>1980</u> Have only Jan. & Feb.
<u>1960</u> None	<u>1970</u> Jan. - Dec.	
<u>1961</u> Have only July, Aug., and Sept.	<u>1971</u> Jan. - Dec.	
<u>1962</u> Jan. - Missing Apr. - Missing	<u>1972</u> Jan. - Missing	
	<u>1973</u> Jan. - Dec.	

74. Answer: (a-d) No, not to the present knowledge of this defendant.

75. Answer: Yes. See also answer to Interrogatory No. 66.

76. Answer:

(a) This defendant believes this topic was discussed at various Union-Management meetings at Berlin. It was referenced in the Berlin Plant Newspaper, mid-1971 at defendant's Berlin, New Jersey plant; however, discovery continues as to other such instances. Also see answer to Interrogatory No. 66.

(b) See answer to (a) above. Paul Scheuerle, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio

43659, the then plant manager; however, discovery continues as to other such instances.

77. Answer: This defendant placed written warnings on shipping containers of Kaylo products in 1967, on Fyrcor in 1970/1971, and on SC-30 and SC-40 cements in 1964. Those warnings were directed to all users of those products. See Exhibits 4, 5, 6, and 7.

Additionally, this defendant on its own and through the National Insulation Manufacturers Association prepared and disseminated to contractors, distributors and insulators information regarding the health hazards associated with asbestos containing insulation. In 1968 NIMA published a pamphlet entitled "Recommended Health Safety Practices for Handling and Applying Thermal Insulation Products Containing Asbestos." That pamphlet was distributed at meetings of the Insulation Distributor Contractors National Association. Additionally, this defendant distributed that pamphlet to its Branch Managers and Supply and Contracting Managers with instructions to review the matter with their salesmen.

This defendant also participated through the Education and Legislative Committee of NIMA in regional meetings of the IDCNA in presenting to the distributors and contractor programs on health and safety. At those meetings, contractors and distributors 1) were advised of the current status of health and safety activities pertinent to their business, 2) were given copies of NIMA publications on health and safety practices and medical research literature, 3) discussed the contents of those publications, 4) discussed the merits of proposed pre-employment and periodic physical examination programs on a cooperative employer-employee basis, 5) were urged to establish regional health and safety committees, and 6) were given an opportunity to ask questions of the experts. This defendant believes that Mr. Hutchinson, President of the National Asbestos Workers Union was present at,

at least one of these meetings. These NIMA programs were presented to contractors and distributors with the intention that this information would be passed on by the contractors and distributors to their employees.

78. Answer: See answer to Interrogatory No. 77.

79. Answer: (a-b) Not to the present knowledge of this defendant.

80. Answer: (a-e) N/A.

81. Answer: (a-c) None to the present knowledge of this defendant.

82. Answer: This defendant is not aware of any oral or written statements made by plaintiff or the defendants regarding subject matter of this lawsuit except as reflected in the medical records or other documents readily available to or provided by plaintiff.

83. Answer: See answer to Interrogatory No. 82.

84. Answer: See answer to Interrogatory No. 82.

85. Answer: F. W. Lichtenburg, April 1, 1975 to March 1977 (terminated); current address unknown.

S. D. Fansler, March, 1977 to present.

86. Answer: This defendant may have received copies of Asbestos Worker magazine, but it is impossible to know the date they may have been received.

87. Answer: Not to the present knowledge of this defendant. The "Asbestos Worker Magazine" was published and distributed by the "International Association of Heat and Frost Insulators and Asbestos Workers" to members of their organization.

88. Answer: See answer to Interrogatories Nos. 75 and 77. Also see attached Exhibit 40.

89. Answer: Object, overly burdensome. Information is as easily accessible to plaintiff.

90. Answer: (a-b) Not to the present knowledge of this defendant.

91. Answer: Discovery continues regarding this matter.

92. Answer: This defendant ceased the manufacture of asbestos-containing pipe, block and core insulating materials in November 1972 and the sale of such product in early 1973. This defendant defined TLV's as indicators which help environmentalists to define healthful working conditions. Unless they are assigned as a ceiling value, they are merely bench marks and not absolute values. In the case of asbestos, it is prudent to stay within the threshold limits.

93. Answer: This defendant is not presently aware if it had such an opinion in 1960. This defendant assumed that the responsibility for complying with applicable threshold limit values was that of the workplace employer.

94. Answer: In 1941 this defendant was aware of the Public Health Bulletin 241 and the recommendations contained therein.

95. Answer: None to the present knowledge of this defendant.

96. Answer: This defendant did not commence the sale of asbestos-containing insulation until 1953 and the manufacture of such products until 1958. The Kaylo and Fyrcor products DID NOT HAVE TO BE cut or sawed; however, it could have been if pieces had to be fitted.

This defendant did not manufacture asbestos containing cements. The SC-30 and SC-40 cements had to be mixed with water.

97. Answer: See answer to Interrogatory No. 94.

98. Answer: There was no specific date as to when this defendant became aware of the relationship of exposure to asbestos fibers and dust to various health hazards. Likewise, there was no specific date as to when this defendant became aware of the relationship of exposure to Kaylo dust to various health hazards. The knowledge of that relationship was developed over a considerable period of time.

In the early 1940s some employees of this defendant became aware of potential health hazards associated with the inhalation of asbestos fibers. This information came to the attention of these employees during a period of time when extensive studies were being conducted on fibrous glass and during a period of time when this defendant did not manufacture as asbestos containing insulation product.

In 1953, this defendant began to distribute a hydrous calcium silicate reinforced with asbestos, called Kaylo, which was manufactured by Owens-Illinois. This defendant began to manufacture the product in 1958, when it purchased the Berlin, New Jersey plant from Owens-Illinois.

In 1956, prior to the acquisition of the Kaylo manufacturing plant from Owens-Illinois, this defendant inquired into the information that Owens-Illinois had regarding the health aspects of the Owens-Illinois Kaylo product. This defendant was informed that a study of Lake Saranac, published in 1955, showed that animals, if exposed for a prolonged period of time in high concentrations of Kaylo dust, could develop a mild asbestosis reaction. However, this defendant was informed at the same time that experience in the manufacturing plants, including x-ray results, revealed no lung changes of any kind that could be attributed to the occupational exposure of Kaylo.

Other documents, presumably received from Owens-Illinois around the time of the acquisition, informed this defendant that Owens-Illinois had concluded, based on this experience in the factories and in the field and its consideration of the Saranac report, that the actual hazard to the health of those handling Kaylo was considered to be small.

It was not until 1964 that this defendant was made aware of new developments concerning the potential hazards of asbestos insulating materials. It was at this time that Dr.

Selikoff had published several articles on the hazards associated with asbestos-containing insulation material. These articles, as they related to prolonged use and exposure to asbestos insulating materials and potential lung disease, were questioned by certain employees of this defendant with regard to their application to the product Kaylo. It was felt that Kaylo, a calcium silicate, could not have been involved to any appreciable extent in the studies because the studies involved men who had entered the insulation trade before 1943 and Kaylo had not yet been marketed in 1943. In addition, the fact that the asbestos in Kaylo was altered physically and chemically during the autoclaving process raised the issue as to whether or not the alteration changed the cancer inducing tendencies of the original asbestos.

As of the mid 60s no Worker's Compensation cases had been filed by employees of the Berlin plant, the Kaylo manufacturing plant. In October of 1966 certain employees of this defendant were advised that a Worker's Compensation case had been filed by an insulation worker in Massachusetts alleging lung damage due to the handling of Kaylo.

Shortly thereafter, notwithstanding the fact that there was still doubt among certain employees as to whether Kaylo could cause lung disease, a decision was made to place warnings on the Kaylo cartons and said decision was implemented by early 1967.

It was not until 1969 that the first case of lung disease at the Berlin plant was diagnosed.

99. Answer: This defendant has maintained a medical library, which in part consists of medical information pertaining to asbestos exposure. This medical library is located in defendant's Medical Center, Fiberglas Tower, Toledo, Ohio 43659, and has been in existence since 1968. The present custodian is S. D. Fansler. See Exhibit 41 attached.

100. Answer: Not specifically with regard to this defendant's asbestos-containing insulation product.

101. Answer: This defendant received a letter in May, 1969, from the U.S. Department of the Navy concerning proposed insulating materials for Navy vessels. (See attached Exhibit 42)

102. Answer: Based on present information, no.

103. Answer: Not to the present knowledge of this defendant.

104. Answer: (a-i - b-ii) Defendant objects to this interrogatory on the grounds that it is ambiguous.

105. Answer: This defendant is aware of medical literature so indicating.

106. Answer: Based upon present knowledge, there is no human relationship between smoking and mesothelioma.

107. Answer: This defendant is aware that the medical literature concerning the relationship between asbestos fibers and cancer of the lungs, rectum, stomach and brain is not clear at present.

108. Answer: Please see answer to Interrogatory No. 98.

109. Answer: None to the present knowledge of this defendant.

110. Answer: This defendant is aware that the asbestos fibers listed in this interrogatory have been linked by medical authorities to cancer. This defendant was of the belief that crocidolite had the greatest cancer producing capabilities.

111. Answer: No.

112. Answer: Based on present information, respirators have always been available in our manufacturing plants since the acquisition of defendant's Berlin, New Jersey plant in 1958 and its Bloomington, Illinois plant in 1970.

113. Answer: Unknown at this time as to the exact date. This defendant working through NIMA notified contractors in 1967

and 1968. Respirators were also available for use by defendant's "contract unit" employees.

114. Answer: To the present knowledge of this defendant, it did not publish bulletins directed to its Berlin Plant employees concerning the potential hazards of asbestos; however, in 1971, defendant did present an educational program to those employees regarding the potential hazards of exposure to asbestos dust.

Additionally, this defendant on its own and through the National Insulation Manufacturers Association prepared and disseminated to contractors, distributors and insulators information regarding the health hazards associated with asbestos containing insulation. In 1968 NIMA published a pamphlet entitled "Recommended Health Safety Practices for Handling and Applying Thermal Insulation Products Containing Asbestos." That pamphlet was distributed at meetings of the Insulation Distributor Contractors National Association. Additionally, this defendant distributed that pamphlet to its Branch Managers and Supply and Contracting Managers with instructions to review the matter with their salesmen.

This defendant also participated through the Education and Legislative Committee of NIMA in regional meetings of the IDCNA in presenting to the distributors and contractor programs on health and safety. At those meetings, contractors and distributors 1) were advised of the current status of health and safety activities pertinent to their business, 2) were given copies of NIMA publications on health and safety practices and medical research literature, 3) discussed the contents of those publications, 4) discussed the merits of proposed pre-employment and periodic physical examination programs on a cooperative employer-employee basis, 5) were urged to establish regional health and safety committees, and 6) were given an opportunity to ask questions of the experts. These NIMA programs were

presented to contractors and distributors with the intention that this information would be passed on by the contractors and distributors to their employees.

115. Answer: This defendant does not have information with which to answer this question.

116. Answer: Not to the present knowledge of this defendant.

117. Answer: Discovery still continues in regard to this matter.

118. Answer: Discovery still continues in regard to this matter.

119. Answer: Discovery still continues in regard to this matter.

120. Answer: Discovery still continues in regard to this matter.

121. Answer: Discovery still continues in regard to this matter.

122. Answer: Discovery still continues in regard to this matter.

123. Answer: Discovery still continues in regard to this matter.

124. Answer: Discovery still continues in regard to this matter.

125. Answer: Discovery still continues in regard to this matter.

126. Answer: Discovery still continues in regard to this matter.

127. Answer: Discovery still continues in regard to this matter.

128. Answer: Discovery still continues in regard to this matter.

129. Answer: Discovery still continues in regard to this matter.

130. Answer: Discovery still continues in regard to this matter.

131. Answer: (a-c) Kaylo pipe and block were sold in Minnesota during the years 1953-1973. Objection as to providing information as to each company which sold such products in Minnesota as being overly burdensome and not calculated to lead to the discovery of admissible evidence.

132. Answer: Discovery still continues in regard to this matter.

133. Answer: To our present knowledge, there is no product available that is completely equal to asbestos-containing pipe insulation. This defendant's asbestos-free and glass fiber products do not insulate up to the same temperature.

134. Answer: Yes, and the search continues.

135. Answer: Defendant objects to this interrogatory on the ground that it is unduly burdensome.

136. Answer: Unknown at the present time.

137. Answer: Unknown at the present time.

138. Answer: Unknown at the present time.

139. Answer: Objection, irrelevant and not calculated to lead to the discovery of admissible evidence.

140. Answer: See answer to Interrogatory No. 139.

141. Answer: Through our various Sales Offices, and through our Supply & Contracting Division.

142. Answer: See answer to Interrogatory No. 139.

143. Answer: See answer to Interrogatory No. 139.

144. Answer: (a-c) Objection, overly burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence.

145. Answer: Yes.

146. Answer: 1950.

147. Answer: Contract units were formed to do business in the various states for the purpose of distribution and contract application of this defendant's products and products of others.

148. Answer: Not to the present knowledge of this defendant.

149. Answer: N/A.

150. Answer: N/A.

151. Answer: Yes.

152. Answer: Presently unknown.

153. Answer: Respirators were available in all contracting units from shortly after their formation to the present time. It is unknown at this time as to whether those respirators were approved by the U.S. Bureau of Mines.

154. Answer: Unknown.

155. Answer: See answer to Interrogatory No. 153.

156. Answer: Unknown; discovery continues.

157. Answer: If this question is directed to the distribution of a pamphlet entitled "Recommended Health Safety Practices For Handling and Applying Thermal Insulation Products Containing Asbestos," this defendant believes it was distributed to its S&C Units no later than June, 1968.

158. Answer: Unknown at present; discovery continues.

159. Answer: See answer to Interrogatory No. 158.

160. Answer: See answer to Interrogatory No. 158.

161. Answer: Physical examinations were given to contract unit employees; however, it is not unknown if the examinations were given prior to their being furnished with respirators.

162. Answer: Yes.

163. Answer: Dust studies were performed at a power plant in Montour, Pennsylvania on January 15, 1973 and Peachbottom, Pennsylvania on January 16 and 17, 1973, and San Diego, California on June 26 and 27, 1973. These studies were done by

G. E. Devitt, Chief Industrial Hygienist, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

- 164. Answer: See Exhibit 43 attached.
- 165. Answer: Unknown at present.
- 166. Answer: Yes.
- 167. Answer: Unknown at present; discovery continues.
- 168. Answer: Please see answer to Interrogatory No. 167.
- 169. Answer: No.
- 170. Answer: N/A.
- 171. Answer: N/A.
- 172. Answer: N/A.
- 173. Answer: N/A.
- 174. Answer: N/A.
- 175. Answer: N/A.
- 176. Answer: N/A.
- 177. Answer: N/A.
- 178. Answer: N/A.
- 179. Answer: N/A.
- 180. Answer: No.
- 181. Answer: Not to the present knowledge of this
defendant.
- 182. Answer: No.
- 183. Answer: No.
- 184. Answer: This defendant is presently aware that
Worker's Compensation claims alleging lung disease were filed
against several employers, including this defendant, in the mid-
1950s. Discovery continues.
- 185. Answer: No.
- 186. Answer: N/A.
- 187. Answer: Yes.

188. Answer: A fiber glass export division was formed in Toledo in September, 1947. In 1949, the export division moved to New York. Owens-Corning Fiberglas International moved its headquarters to Toledo in September, 1965. The export people remained in New York until 1972.

189. Answer: No.

190. Answer: No.

191. Answer: No.

192. Answer: Aetna Casualty & Surety Company.

193. Answer: Not to the present knowledge of this defendant.

194. Answer: No.

195. Answer: N/A.

196. Answer: Exhibits attached hereto are identified in the answers to the preceding Interrogatories.

Daniel M. Phillips

Daniel M. Phillips
Senior Counsel, Litigation
Owens-Corning Fiberglas Corporation

STATE OF OHIO)
) ss.
COUNTY OF LUCAS)

Daniel M. Phillips, being first duly sworn, says that he is the Senior Counsel, Litigation, for Owens-Corning Fiberglas Corporation, that he has reviewed the relevant files and records of defendant and is thereby familiar with the facts of this action, that he has read the foregoing Answers to Plaintiff's Interrogatories and that the same are true to the best of his knowledge, information and belief.

Daniel M. Phillips

Daniel M. Phillips

Subscribed and sworn to before me

this 23rd day of April, 1981.

Kenneth D. Gould
Notary Public

Kenneth D. Gould, Attorney-At-Law
NOTARY PUBLIC—STATE OHIO
My Commission has no expiration date.
Section 147.03 R. C.