

Vickie Hern, Executrix of the Estate :	COURT OF COMMON PLEAS
Of Thomas Hern, Deceased, :	PHILADELPHIA COUNTY
Plaintiff(s), :	NOVEMBER TERM, 1999
v. :	No. 0005
CertainTeed Corporation, et al. :	ASBESTOS CASE
Defendants. :	

I. REQUEST FOR ADMISSIONS

GENERAL OBJECTION

CertainTeed objects to plaintiff's Request for Admissions on the grounds that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information inasmuch as they request information about products with which the plaintiff never worked and to which the plaintiff would never have been exposed during the course of his employment.

Without waiving said objection and subject thereto, CertainTeed states that its only nexus to asbestos-bearing insulation products was to two specialty products sold exclusively to the railroad industry for use on railroad passenger cars. The only other asbestos-bearing products ever made or sold by CertainTeed which would have reached the state of Pennsylvania were viscous roof coatings and roofing cements (all of which were sold in a ready-mixed state in sealed cans, and in all of which the asbestos was encapsulated by viscous asphalt), built-up roofing ply sheet, and asbestos-cement siding shingles, none of which would have any application inside of any type of building whatsoever, joint treating compound (manufactured by CertainTeed prior to July 1, 1956, and which was sold on a regional basis and is not believed to have been sold in Pennsylvania) which was applied to the joints of gypsum wallboard, and asbestos-cement pipe (used exclusively for the underground transmission of water and sewage, never used in conjunction with insulation of any sort whatsoever, never installed inside buildings of any sort, and typically installed by pipelayers, not by pipefitters, steamfitters or plumbers).

1. Admit
2. Denied.
3. Admit.
4. Denied.
5. Admit.
6. Admit.

7. Admit.
8. Denied.
9. Admit.

II. INTERROGATORIES

General Objection

CertainTeed objects to plaintiff's Interrogatories on the grounds that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information inasmuch as they request information about products with which the plaintiff never worked and to which the plaintiff would never have been exposed during the course of his employment in an industrial or commercial setting.

Without waiving said objection and subject thereto, CertainTeed states that its only nexus to asbestos-bearing insulation products was to two specialty products (hereinafter referred to as Flexible Trainline and glass fiber blanket insulation faced with asbestos paper for railroad car application) sold exclusively to the railroad industry for use on railroad passenger cars. Otherwise, CertainTeed has never made or sold any asbestos-bearing products which would typically have had any application within a commercial or industrial setting. The only other asbestos-bearing products ever made or sold by CertainTeed which would have reached the state of Pennsylvania were viscous roof coatings and roofing cements (all of which were sold in a ready-mixed state in sealed cans, and in all of which the asbestos was encapsulated by viscous asphalt), built-up roofing ply sheet, and asbestos-cement siding shingles, none of which would have any application inside of any type of building whatsoever, joint treating compound (manufactured by CertainTeed prior to July 1, 1956, and which was sold on a regional basis and is not believed to have been sold in Pennsylvania) which was applied to the joints of gypsum wallboard, and asbestos-cement pipe (used exclusively for the underground transmission of water and sewage, never used in conjunction with insulation of any sort whatsoever, never installed inside buildings of any sort, and typically installed by pipelayers, not by pipefitters, steamfitters or plumbers).

1. (a) - (d)
CertainTeed Corporation. The name was changed from Certain-teed Products Corporation in May 1976. CertainTeed's principal address is 750 E. Swedesford Road, Valley Forge, PA 19482. CertainTeed Corporation was originally incorporated in Maryland in 1917 and most recently incorporated in Delaware on February 23, 1988.
- (e)
CertainTeed has a certificate of authority to do business in Pennsylvania since May 24, 1988.

(f)
CertainTeed does not have a registered agent for the purpose of accepting service in Pennsylvania.

(g)
CertainTeed objects to this interrogatory on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information.

(h)
CertainTeed Corporation does not have any predecessor. With respect to subsidiaries, this inquiry is objected to on the basis that it is overly broad and unduly burdensome.

(i)
CertainTeed is not a product of merger or consolidation or any other mechanism.

(j)
Not applicable.

II. The following asbestos-bearing products made and/or sold by CertainTeed could have reached Pennsylvania or any state proximate thereto:

ROOF CEMENTS AND ROOF COATINGS AND FOUNDATION COATING:

- I. Asbestos Roof Coating - First placed on the market prior to 1930. Withdrawn from the market in 1982 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits and approximately 6.7% 7M chrysotile asbestos fiber. It was designed for use as a coating for smooth surface asphalt roofs and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.
- II. Blind Nailing Cement - First placed on the market prior to 1930. Withdrawn from the market in 1979 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits and approximately 13% 7M chrysotile asbestos fiber. It was designed for use in sealing the laps of roll roofing applied with no exposed nails and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be applied with a stiff brush or trowel and any atmospheric temperature was recommended.
- III. Plastic Cement - First placed on the market prior to 1930. Withdrawn from the market in 1983 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits, pulverized limestone and approximately 18% 7K chrysotile asbestos fiber and 18% 7M chrysotile asbestos fiber. It was

designed for flashing, caulking, heavy duty roof repairs and patching roof flashings and was sold in 1 pint, 1 quart, 1/2 gallon and 1 gallon friction top steel cans, 3 and 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a black mastic that could be applied with a trowel and any atmospheric temperature was recommended.

- IV. Sealing Cement - First placed on the market prior to 1930. Withdrawn from the market in 1976 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits and approximately 29% 7M chrysotile asbestos fiber. It was designed for sealing down asphalt shingles and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a black mastic that could be applied with a trowel and any atmospheric temperature was recommended.
- V. Cold Process Cement - First placed on the market in approximately 1940. Withdrawn from the market in 1967 (replaced by Cold Process Asphalt). It was composed of asphalt, mineral spirits and approximately 6.7% 7M chrysotile asbestos fiber. It was designed for use in applying rolls of smooth roofing to obtain a built-up roof and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.
- VI. Cold Process Asphalt - First placed on the market in 1967. Withdrawn from the market in 1983 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits and approximately 6.7% 7M chrysotile asbestos fiber. Cold process asphalt was the name given to "cold process cement" subsequent to 1967. It was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.
- VII. Stabilized Roof Coating - First placed on the market in approximately 1940. Withdrawn from the market in 1967 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits and approximately 6.7% 7M chrysotile asbestos fiber. It was designed for coating cold process smooth surface built-up asphalt roofs and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.
- VIII. Wet Seal Plastic Cement - First placed on the market in 1961. Withdrawn from the market in 1983 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits, an amine wetting agent, pulverized

limestone and approximately 18% 7K chrysotile asbestos and 18% 7M chrysotile asbestos. It was designed for use in providing adhesion to wet or damp surfaces in making heavy duty repairs to wet roofs and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a black mastic that could be applied with a trowel and any atmospheric temperature was recommended.

- IX. Asphalt Fibered Emulsion - First placed on the market sometime during the 1950's. Withdrawn from the market in 1983 due to economic considerations (poor profit margins). It was composed of asphalt, water, clay, electrolyte and an unknown quantity of asbestos fiber. It was designed for coating smooth surface asphalt roofs and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.
- X. Fibered Aluminum Roof Coating - First placed on the market in 1951. Withdrawn from the market in 1979 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits, aluminum powder and an unknown quantity of asbestos fiber. It was designed for coating smooth surface asphalt roofs and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous aluminum colored liquid that could be spread with a brush or roller and any atmospheric temperature was recommended.
- XI. Asphalt Foundation Coating - First placed on the market in approximately 1940. Withdrawn from the market in 1981 due to economic considerations (poor profit margins). It was composed of asphalt, mineral spirits, and approximately 6.7% 7M chrysotile asbestos fiber. It was designed for coating the exterior of foundations before backfilling and was sold in 1 gallon friction top steel cans, 5 gallon steel pails and 30 and 55 gallon steel drums. The CertainTeed name appeared on the container. It was a viscous black liquid that could be spread with a brush or sprayed and any atmospheric temperature was recommended.

At some point CertainTeed commenced affixing its logo (C and T with the stem of the T inserted sideways into the C) to the containers in which its roof coatings and roof cements and foundation coating were packaged.

BUILT-UP ROOFING PLY SHEET:

- XII. No. 15 Perforated Saturated Asbestos Felt - First placed on the market in 1968. Withdrawn from the market in 1976 due to lack of demand for the product. It was composed of asphalt, organic fiber and 58% asbestos fiber (type and grade unknown). It was designed for use as plys for built-up roofs and flashing and

packaged with a kraft paper wrapper, was not color coded, and contained no logo or markings except for laying lines of aluminum paint. The CertainTeed name appeared on the wrap. It was a black roll good which was applied with hot asphalt and any atmospheric temperature was recommended.

XIII. Asbestos Base Sheet - First placed on the market in 1968. Withdrawn from the market in 1976 due to lack of demand for the product. It was composed of asphalt, organic fiber, glass fiber, pulverized limestone, pulverized talc and 20% asbestos fiber (type and grade unknown). It was designed for use as the first ply in applying a built-up roof and packaged with a kraft paper wrapper, was not color coded, and contained no logo or other marking except for laying lines of orange-red paint. The CertainTeed name appeared on the wrap. It was a black roll good which was nailed or applied with hot asphalt and any atmospheric temperature was recommended.

XIV. Asbestos Base Flashing - First placed on the market in 1968. Withdrawn from the market in 1976 due to lack of demand for the product. It was composed of asphalt, organic fiber, pulverized limestone, pulverized talc, 19% asbestos fiber (type and grade unknown) and either glass, hemp or jute fiber. It was designed for use as one ply in installing flashing and packaged with a kraft paper wrapper, was not color coded and contained no logo or other markings. The CertainTeed name appeared on the wrap. It was a black roll good which was applied with hot asphalt and any atmospheric temperature was recommended.

XV. Asbestos Cap Sheet (mineral surfaced) - First placed on the market in 1973. Withdrawn from the market in 1976 due to lack of demand for the product. It was composed of asphalt, organic fiber, pulverized limestone, pulverized talc, coarse crushed rock and 13.8% asbestos fiber (type and grade unknown). It was designed for use as the top ply on built-up roofs and packaged with a kraft paper wrapper, was not color coded and contained no logo or other markings except for a laying line of orange-red paint. The CertainTeed name appeared on the wrap. It was a black roll good which was applied with hot asphalt and any atmospheric temperature was recommended.

ASBESTOS-CEMENT SIDING SHINGLES:

XVI. Asbestos-Cement Siding Shingles (manufactured by others)-First placed on the market in approximately 1950. Withdrawn from the market in approximately the early 1970's due to economic considerations(poor profit margins). Asbestos-cement siding shingles were flat slabs which came in various colors (type, grade and quantity of asbestos fiber unknown). They were designed for use on the exterior of homes and they were supplied in packages having a corrugated fiberboard band and sides held in place by two wire ties. The CertainTeed name appeared on the band and any atmospheric temperature was recommended

SPECIALTY RAILROAD INSULATION PRODUCTS:

- XVII. Glass Fiber Blanket Insulation Faced with Asbestos Paper for Railroad Car Application - First placed on the market by Gustin-Bacon Manufacturing Company in 1945 (CertainTeed, through merger, acquired the Gustin-Bacon Manufacturing Company on July 1, 1966, and at the time of the merger all the ordinary liabilities of Gustin-Bacon were assumed by CertainTeed). Withdrawn from the market in 1947 because of poor moisture vapor transmission and as a result of the determination that there was no need for an incombustible facing. It was composed of nine-micron glass fiber blanket and reinforced asbestos paper facing. It was intended solely for use in insulating ceilings, walls and floors of railroad passenger cars and was packaged in cardboard or wrapped in heavy kraft paper. No writing is believed to have been on the product. The content of any writing on the packaging is unknown and the recommended temperature range is unknown.
- XVIII. Flexible Trainline - First placed on the market by Gustin-Bacon Manufacturing Company in 1945. First manufactured and sold by CertainTeed in 1966. Withdrawn from the market in 1970 due to lack of demand for the product. It was composed of nine-micron glass fiber blanket, resin bonded and adhered with adhesive to neoprene coated asbestos cloth. It was intended solely for use in insulating railroad passenger car steam lines. It was packaged in cardboard or wrapped in heavy kraft paper. No writing is believed to have been on the product. The content of any writing on the packaging is unknown and the recommended temperature limit was 300°F.

JOINT TREATING COMPOUND:

- XIX. Joint Treating Compound (may have carried the brand name Bestwall) - First placed on the market in 1937. Sales of this product were discontinued on June 30, 1956, when CertainTeed sold its gypsum assets. The composition is unknown other than it is believed to have contained approximately 4 percent asbestos fiber by weight. Joint treating compound was applied to the joints of gypsum wallboard and sold in bags (no additional information is known). It was grayish white and the recommended temperature range is unknown. This product was sold on a regional basis and is not believed to have been sold in Pennsylvania.

ASBESTOS-CEMENT PIPE:

- XX. Asbestos-Cement Pipe (may have carried the brand name Fluid-Tite) - First placed on the market on June 1, 1962. CertainTeed ceased the manufacture of asbestos-cement pipe in 1992 due to lack of demand for the product. The asbestos

fiber was bound into the asbestos-cement pipe by a combination of cement, silica and water through an autoclave (high pressure steam atmosphere) curing process.

It contained the following amounts of asbestos by weight:

Pressure Pipe	15 - 20%
Sewer Pipe	10 - 15%
Irrigation Pipe	11 - 20%

Of the total asbestos content of the asbestos-cement pipe, anywhere from 0% to 24% was crocidolite (blue) fiber by weight, with the remaining fiber being chrysotile (white). The ratio of these fibers varied in accordance with various factors, including type of pipe and physical dimensions.

Asbestos-cement pipe was used for the underground transmission of water and sewage. No packaging was used in connection with this product. The sewer pipe contained black lettering, including the name "CertainTeed", the pressure pipe contained either black or orange lettering, including the name "CertainTeed," and the irrigation pipe had black lettering including the name "CertainTeed". It was installed in the form in which it was sold except to the extent that it may have required machining in order to meet a specific length.

Asbestos-cement pipe was cylindrical in shape, cement gray in color with a smooth interior, relatively rough textured exterior, with ends machined to given dimensions. Pipe lengths were connected with an asbestos-cement

coupling with two rubber rings contained in machined grooves. The temperature limit was 200°F.

- III. See response to Interrogatory No. II (CertainTeed has no copies of packaging).
- IV. With regard to warnings on products, the label placed on CertainTeed asbestos-cement pipe beginning in 1979 read as follows:

"CAUTION: Always use recommended work practices. Do not use abrasive saws. When cutting, machining and tapping, refer to Recommended Work Practices Guide furnished by manufacturer to your employer."

In approximately July 1985 the caution label was changed to read as follows:

CAUTION:

- + Contains asbestos fiber.
- + Avoid creating dust. Breathing asbestos dust can cause serious bodily harm, including cancer and asbestosis.

- + When cutting, machining and tapping always use recommended work practices (Refer to Recommended Work Practices Guide furnished by manufacturer to your employer).
Do not use Abrasive Disc Saws.

The warning was placed on the unmachined portion of pipe (quarter lengths and larger) at or near the end of the pipe.

Copies of said warnings are attached (Exhibit A).

No warnings were placed on any of the other products cited in the answer to Interrogatory No. II.

- V. See response to Interrogatory No. II. CertainTeed has no copies of packaging.
 - VI. No.
 - VII. See General Objection. Without waiving said objection and subject thereto, the asbestos fibers used in roof coatings and cements were supplied by Johns-Manville until the mid-1960's and by Carey-Canadian Mines from the mid-1960's through 1977. Unknown as to roll roofing products, asbestos-cement siding shingles, Flexible Trainline, glass fiber blanket insulation faced with asbestos paper for railroad car application, and joint treating compound. With respect to asbestos-cement pipe, CertainTeed objects to providing the data requested on the basis that this request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information inasmuch as different asbestos-cement pipe plants received fiber from numerous different sources and in the absence of any showing that a particular plaintiff ever worked with asbestos-cement pipe.
 - VIII. Asbestos-Cement pipe:
 - Ambler, PA (1938 - 1982)
 - South Main Street
 - Ambler, PA 19002
- Roofing Products:
- York, PA (1916 - 1981)
 - 702 S. Richland Avenue
 - York, PA 17405

IX.

CertainTeed's asbestos-cement pipe was sold to distributors and directly to end users. Certain Teed has no sales records for asbestos-cement pipe for the period 1962 (when CertainTeed commenced the manufacture of said product) to 1966. For the period 1967 to 1992, CertainTeed has invoices for sales for June 1967, October through December 1968, and 1969 through 1992, inclusive.

The approximate numbers of such invoices are as follows:

6/67, 10-12/68	2,500
1969	14,950
1970	13,900
1971	16,250
1972	15,050
1973	16,364
1974	23,000
1975	25,000
1976	25,000
1977	28,000
1978	30,800
1979	33,300
1980-1992	Unknown

These invoices have been maintained on microfilm and are filed only by invoice number, plant and year. If required, Certain Teed will make available said invoices, which are maintained at the headquarters of Certain Teed's Pipe Group in Valley Forge, Pennsylvania, for review and copying by proper counsel at a mutually convenient time, with all costs attendant to this inspection and copying to be assumed by the party conducting such inspection.

CertainTeed has no sales records for joint treating compound, asbestos-cement siding shingles, Flexible Trainline and glass fiber blanket faced with asbestos paper for railroad car application (the two latter products were sold exclusively to railroad companies), or asbestos bearing roofing products (the roofing products were sold through building material distributors and/or lumber yards).

X. No.

XI. CertainTeed was the manufacturer of the products cited in the answer to Interrogatory No. II except as follows:

Asbestos Roof Coating	1977 to 1982
Blind Nailing Cement	1977 to 1979
Plastic Cement	1977 to 1983
Cold Process Asphalt	1977 to 1983
Wet Seal Plastic Cement	1977 to 1983

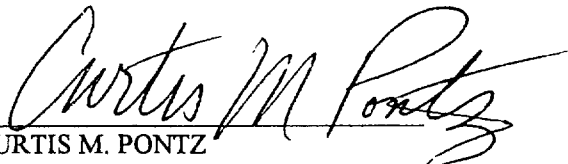
Asphalt Fibered Emulsion	1950's to 1983
Fibered Aluminum Roof Coating	1951 to 1979
No. 15 Perforated Saturated Asbestos Felt, Asbestos Base Sheet, Asbestos Base Flashing	1968 to 1972
Asbestos-Cement Siding Shingles	

VERIFICATION

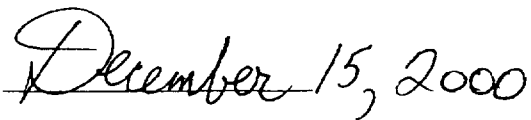
CURTIS M. PONTZ, being duly sworn according to law, deposes and says that he is Associate General Counsel and Assistant Secretary of CertainTeed Corporation and is duly authorized to make this Verification on its behalf and that the facts set forth in CertainTeed's responses to the Requests for Admission are true and correct to the best of his knowledge, information and belief.

CERTAINTEED CORPORATION

BY:


CURTIS M. PONTZ
Associate General Counsel and Assistant Secretary

DATED:

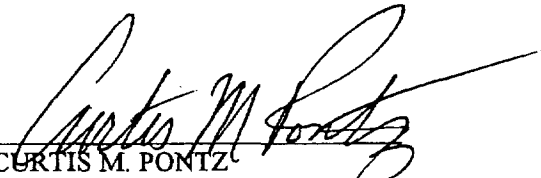


VERIFICATION

CURTIS M. PONTZ, being duly sworn according to law deposes and says that he is Associate General Counsel and Assistant Secretary of CertainTeed Corporation and is duly authorized to make this Verification on its behalf and that the facts set forth in the foregoing answers to Plaintiff's Interrogatories are true and correct to the best of his knowledge, information and belief

CERTAINTEED CORPORATION

BY:


CURTIS M. PONTZ
Associate General Counsel and Assistant Secretary

DATED:

