

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY

ROY CARSON, BRUCE LUSK, AND EDWARD MEINERS,)
WILLIAM ADAMS through LEWIS FLEURY,)

Plaintiffs)

-vs-)

ANCHOR PACKING COMPANY; et al)

Defendants)

No. 86-L-824
86-L-836,
86-L-834,
86-L-1827
through 86-L-2458

ANSWERS TO PLAINTIFFS' INTERROGATORIES

NOW COMES the Defendant OWENS-CORNING FIBERGLAS CORPORATION, by HEYL,
ROYSTER, VOELKER & ALLEN, its attorneys, and for their Answers to Plaintiffs'
Interrogatories, states as follows:

INTERROGATORY NO. 1: As to the person answering these interrogato-
ries, state:

- (a) Name;
- (b) Title or position with defendant;
- (c) Business Address;
- (d) Length of time employed by defendant;
- (e) State year by year all other positions, titles or jobs that person has held with the defendant.
- (f) The years during which Defendants have been licensed to do business within the State of Illinois, or State of Missouri and with regard to such years please state:

(1) The type of business conducted within the State of Illinois or State of Missouri;

(2) The names and addresses of any franchise holders, dealers, or customers located in the State of Illinois or State of Missouri during the last three years;

(3) Whether or not Defendant directly or indirectly supplies the persons or entities identified in 1.(f)(2) with any products or services; if so, please describe the relationship between Defendant and those persons or entities and state the approximate dollar value of Defendant's 1930 to present sales to them

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ANSWER:

a-e) 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 obtained 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 requirement 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 C. Duane Callender, Senior Counsel - Litigation, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. The telephone number of the corporation is A/C 419/248-8000.

f) This defendant received authority to do business in the State of Illinois on January 2, 1959.

1) Owens-Corning Fiberglas is a manufacturer of glass fiber products, which it sells under the trademark Fiberglas. They also have manufacturing operations involving wood fiberboard, urethane, calcium silicate, asphalt and polyester resins.

2) This Defendant ceased the manufacture of asbestos-containing Kaylo products in 1972 and the sale of such products in early 1973.

Objection, overly broad and burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence. Without waiving its objection, this defendant states that based upon present information, it may have employed licensed or franchised distributors for the distribution of its

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Kaylo product. This defendant, however, does not know the names of these distributors. At this time, this defendant does not know whether distributors or suppliers were used with respect to the other asbestos-containing products.

3) Not Applicable. See response to No. 1(f)(2) above.

INTERROGATORY NO. 2: Has the person answering these Interrogatories made reasonable inquiry of all available sources of information such that Plaintiff may rely on these answers as the truthful and complete answers made on behalf of this answering defendant? State the proper legal name and the present address of the principal place of business of each of defendant's related companies. For each related company identified, please state:

- (a) Whether or not the company is licensed to do business in the State of Illinois;
- (b) The business relationship between the company and defendant;
- (c) The nature of the products or services that defendant sells to or purchases from the company;
- (d) The type of business the company conducts within the State of Illinois.
- (e) Whether or not the company advertises Defendant's products or services within the State of Illinois;
- (f) Whether or not the company sells Defendant's products or services within the State of Illinois; and, if so, the approximate value of those sales or services during 1930 to present;
- (g) Whether or not the company pays any type of taxes to the State of Illinois or any political body located within the State of Illinois;
- (h) Whether or not defendant has any control, directly or indirectly, over the company's advertising of defendant's products or services.

ANSWER:

Yes. This defendant's full business name is Owens-Corning Fiberglas Corporation and its corporate headquarters' address is Fiberglas Tower, Toledo, Ohio 43649. Defendant's state of incorporation is Delaware. This

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defendant does not have a parent company, holding companies or subsidiary divisions or corporations.

a-h) See response to No. 2.

INTERROGATORY NO. 3: State the following concerning this defendant:

- (a) Full and Correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of incorporation, and name of Corporation
- (e) Is this defendant authorized to transact business in the State of Illinois? If so, state the date such authority was first issued and last renewed;
- (f) Does this defendant have an agent, representative or place of business in Illinois? If so, state the name and address of such agent, representative, or other place of business;
- (g) Does this defendant have an agent for service in the State of Illinois? If so, state the name and address of the registered agent.

ANSWER:

- a) Owens-Corning Fiberglas Corporation.
- b) Its principal place of business is located at Fiberglas Tower, Toledo, Ohio.
- c) Delaware.
- d) October 31, 1938; Owens-Corning Fiberglas Corporation.
- e) Yes. See response to No. 1(f).
- f) This defendant has facilities at the following Illinois locations:

Owens-Corning Fiberglas Corporation
2215 Sanders Road
Northbrook, IL 60062 (Branch)

Owens-Corning Fiberglas Corporation
Sheridan Bank
1100 W. Glen Avenue
Suite 301
Peoria, IL 61614 (Branch)

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Owens-Corning Fiberglas Corporation
2801 Carl Blvd.
Elk Grove Village, IL 60007 (Supply Center)

Owens-Corning Fiberglas Corporation
5880 Archer Road
Summit, IL 60501 (Roofing Center)

Owens-Corning Fiberglas Corporation
5824 S. Arch Road
Summit, IL 60501 (Asphalt Plant)

Owens-Corning Fiberglas Corporation
59th & Archer Road
Summit, IL 60501 (Trumbull Asphalt)

Owens-Corning Fiberglas Corporation
3110 Morton Drive
E. Moline, IL 61244 (Plant)

g) Yes. C.T. Corporation Systems, 208 S. LaSalle Street, Chicago, IL 60604.

INTERROGATORY NO. 4: Has this defendant been sued under its correct name? If not, state the correct legal name of the defendant and provide the information requested in No. 3 above concerning the defendant as correctly names.

ANSWER:

The correct name of this Defendant is Owens-Corning Fiberglas Corporation.

INTERROGATORY NO. 5: Has this defendant ever acquired through purchase, reorganization or merger another corporation, company, or business which manufactured, sold, processed, distributed or contracted to apply asbestos products?

ANSWER:

Yes.

INTERROGATORY NO. 6: If the answer to Interrogatory No. 5 is "Yes", then state the following concerning such predecessor:

- (a) Full and correct name;
- (b) The principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by defendant;
- (e) Was this business authorized to transact business in the State of Illinois?
- (f) Attach copies of all papers pertaining to the acquisition.

ANSWER:

a-d) On June 27, 1952, this defendant purchased certain assets of Marine Engineering & Supply Company and the name was changed to Fiberglass Engineering & Supply Company

This Defendant did purchase certain assets of the Kaylo Division, Berlin, New Jersey plant of Owens-Illinois in May, 1958, and the Chembest Division, Bloomington, Illinois plant of Unarco in April, 1970, but this Defendant did not purchase or acquire either corporation.

- e) Unknown.
- f) See attached Exhibits "A" and "B".

INTERROGATORY NO. 7: As to any product containing asbestos in any form, has this defendant, or any predecessor(s):

- (a) Ever designed such a product?
- (b) Manufactured such a product?
- (c) Processed such a product?
- (d) Sold such a product?
- (e) Distributed such a product?
- (f) Patented such a product?
- (g) Relabeled such a product which was manufactured, sold or distributed by another company?

ANSWER:

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a) No. As to Kaylo and Fyrcor, unknown to fiberglass finishing cement, fiberglass insulating cement, sewn blankets or metal mesh blankets.

b) Yes.

c) No.

d) Yes.

e) Yes.

f) The original Kaylo product was patented by Owens-Illinois. This defendant acquired certain of these patents when it acquired the Berlin Plant from Owens-Illinois in May, 1958. In addition, this defendant developed other patents relating to Kaylo thereafter. Unknown as to other products.

The Fyrcor product (originally called Unarcoboard) was patented by Unarco Industries.

No patents were obtained on Type II mastic.

g) Yes.

INTERROGATORY NO. 8: If your answer to No. 7(b), 7(d), and 7(e) is "Yes", then give the trade name of the product, the year the defendant or predecessor first sold or distributed such product, and the year the defendant last sold or distributed such product.

ANSWER:

Refer to the attached Product Chart Exhibit "C".

INTERROGATORY NO. 9: Have any of the products listed above in Interrogatories No. 7 been altered in chemical composition since first being marketed?

ANSWER:

Yes.

INTERROGATORY NO. 10: If so, please state:

(a) The trade name of each such product;

- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER:

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.

INTERROGATORY NO. 11: What is the name, address, and the job title of each individual who participated in the design and preparation of manufacturing specification for each such product?

ANSWER:

This defendant did not develop or design the Kaylo product. The original Kaylo product was manufactured by Owens-Illinois. Subsequent to this defendant's acquisition of the Berlin, New Jersey plant from Owens-Illinois, small modifications to the Kaylo manufacturing specifications were made from time to time. Such changes in the Kaylo product were the responsibility of this defendant's Kaylo Research and Development Section, which was headed by Richard F. Shannon. Unknown for other asbestos-containing products.

INTERROGATORY NO. 12: Do any written memoranda, specifications, blue-prints or other written materials of any kind of character relating to the design and preparation of said products now exist?

ANSWER:

Yes.

INTERROGATORY NO. 13: If so, please state:

- (a) List each written material or document;
- (b) Who presently has possession of each such document?
- (c) Where is it located?

ANSWER:

a-c) Kaylo Improvement Meeting
Sales-Research-Plant-Product Development
January 19, 1962

Attendance: R. C. Amos, M. C. Armstrong, W. B. Ball, J. H. Boynton,
W. F. Justice, R. H. Moyer, J. A. Pershing, O. W. Pfeifer,
R. F. Shannon, W. C. Taylor

Kaylo Improvement Program
Progress Report
January, February, March, 1962
O. W. Pfeifer
4/18/62

Kaylo Improvement Program
Progress Report
April, 1962
O. W. Pfeifer
5/2/62

Kaylo Improvement Program
R. F. Shannon
2/14/63

Kaylo Improvement Program
A. C. Seifert
2/14/63

Kaylo Reinforcements
R. F. Shannon
4/26/67

Outline of Batch Changes

Author Unknown
1967

Kaylo Research & Development Monthly Report
for April, 1967
R. F. Shannon
5/5/67

Kaylo Research & Development Weekly Report
D. L. Bishop
8/7/67

Kaylo Research & Development Weekly Report
R. F. Shannon
9/15/67

Kaylo Product Development Weekly Report
R. F. Shannon
10/9/67

Kaylo Product Development
R. F. Shannon
10/23/67

Kaylo Research & Development Monthly Report
for October, 1967
R. F. Shannon
11/1/67

Kaylo-Replacement of Asbestos
R. F. Shannon
11/7/67

Kaylo Product Development Weekly Report
R. F. Shannon
11/16/67

Glass Reinforced Xonotlite Kaylo Cost Study
R. F. Shannon
11/29/67

Kaylo Product Development Monthly Report
for November, 1967
R. F. Shannon
11/30/67

Kaylo Research & Development Monthly Report
for November, 1967
R. F. Shannon
12/4/67

Crossfield-Unilver Calcium Silicate Process
R. F. Shannon

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12/11/67

Kaylo Research & Development Weekly Report
Charles L. McKinnis
12/15/67

Kaylo Research Development Monthly Report
for December, 1967
R. F. Shannon
12/28/67

Kaylo Research & Development Monthly Report
for January, 1968
R. F. Shannon
2/5/68

Feasibility Study - Alternate Processes for
Manufacture of High Temperature
R. F. Shannon
3/15/68

Kaylo Research & Development Monthly Report
for March, 1968
R. F. Shannon
4/4/68

Kaylo Research & Development Monthly Report
for April, 1968
R. F. Shannon
5/1/68

Test Report 33863
P. Saverstrom

Kaylo Research & Development Weekly Report
R. F. Shannon
11/11/66

Kaylo Research & Development Weekly Report
R. F. Shannon
1/13/67

Kaylo Research & Development Weekly Report
R. F. Shannon
1/20/67

Kaylo Research & Development Weekly Report
R. F. Shannon
2/17/67

Kaylo Research & Development Weekly Report
R. F. Shannon
2/24/67

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Kaylo Research & Development Monthly Report
for February, 1967
R. F. Shannon
3/3/67

Kaylo Research & Development Weekly Report
R. F. Shannon
3/9/67

Kaylo Research & Development Weekly Report
R. F. Shannon
3/15/67

Kaylo Research & Development Weekly Report
R. F. Shannon
4/14/67

Juras Metal Fibers
R. F. Shannon
4/18/67

Kaylo Research & Development Weekly Report
R. F. Shannon
4/21/67

Kaylo Research & Development Weekly Report
R. F. Shannon
5/19/67

Kaylo Research & Development Monthly Report
for May, 1967
R. F. Shannon
6/2/67

Kaylo Research & Development Weekly Report
R. F. Shannon
8/1/67

Kaylo Research & Development Monthly Report
for August, 1967
R. F. Shannon
8/30/67

Kaylo Research & Development Weekly Report
R. F. Shannon
9/8/67

Kaylo Research & Development Weekly Report
R. F. Shannon 10/20/67

Kaylo Product Development
Week of November 2-9
D. L. Bishop

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11/9/67

Kaylo Product Development
Weekly Report
11/22/67

Kaylo Research & Development Weekly Report
R. F. Shannon
1/5/68

Replacement of Asbestos
Berlin Plant Trials
R. F. Shannon
5/16/69

Glass Reinforced Kaylo Summary
Plant Trails
R. F. Shannon
11/3/69

All of these documents are currently in the possession of this defendant's Law Department.

INTERROGATORY NO. 14: In what year did the defendant first begin selling or distributing any products containing asbestos?

ANSWER:

Refer to Product Chart Exhibit "C" previously provided.

INTERROGATORY NO. 15: In what year did the defendant last sell the any product which contained asbestos?

ANSWER:

Refer to Product Chart Exhibit "C" previously provided.

INTERROGATORY NO. 16: As to the named defendant or any predecessor(s) or acquired business, state the various types of products, such as blocks, pipe covering, cements, tape, spray-on insulation, mastics, and cloth, or any other asbestos containing products and in connection with each type of such product, state how the same was packaged (i.e., bags, boxes, sacks, etc.) for sale.

ANSWER:

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Refer to Product Chart Exhibit "C" previously provided.

INTERROGATORY NO. 17: Is your company, as of the date of answering these interrogatories, still manufacturing, selling or distributing any products containing asbestos? If so, give the brand names of such products, the binding material and date first manufactured.

ANSWER:

This defendant ceased manufacturing asbestos-containing products in November, 1972.

INTERROGATORY NO. 18: Were each of your asbestos containing products generally expected to reach, or were packaged to reach, the consumer or user, without substantial change in the condition in which it was sold?

ANSWER:

This defendant is not aware that changes were made to defendant's asbestos-containing insulation products after they left defendant's control, other than any fitting necessary for application.

INTERROGATORY NO. 19: If your answer to Interrogatory No. 18 is "No", with respect to any product, explain in what way the defendant claims its products were altered or substantially changed after sale or distribution and before reaching the helper, mechanic or bystander.

ANSWER:

See response to No. 18.

INTERROGATORY NO. 20: Based upon the material contents of your products, the method of manufacturing, and the method of application, can your products be generally applied or installed without liberating asbestos fibers?

(a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company then specify the different products by exact manufacturers name and popular name.

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(b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and the year involved.

ANSWER:

See attached Product Chart Exhibit "C". In applying Kaylo and Fyrcor it was not always necessary to cut, saw or route the insulation. Dust would be created if the insulation was cut, sawed or routed, but would not necessarily be created under other application procedures.

- a) Refer to Product Chart Exhibit "C" previously provided.
- b) Not Applicable.

INTERROGATORY NO. 21: Was it a foreseeable use of your asbestos containing products that they may have to be removed, stripped or replaced at any time after installation? If your company contends the plaintiff(s) misused any of your products then state how and under what circumstances your product was misused.

ANSWER:

This defendant's product was designed so that it could be removed for access to the insulated vessel for maintenance. It could then be reinstalled. Other than for such maintenance work, this defendant's Kaylo product was designed to last for extremely long periods of time, likely for the life of the vessel being insulated. If the vessel that was insulated reached the end of its useful life, then this defendant's product could have been removed separately or left on the insulated vessel and removed with that vessel.

The remainder of this interrogatory cannot be answered by this answering defendant inasmuch as there is no evidence as to how, if at all, plaintiff(s) used any of the products identified in the answer to interrogatory No. 8.

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INTERROGATORY NO. 22: Prior to releasing the asbestos products manufactured, sold, etc. to the public for sale, were any tests conducted on same to determine potential health hazards involved in the use of materials contained therein?

ANSWER:

Kaylo pipe, block and core insulation was manufactured and sold by Owens-Illinois Glass Company prior to the time this defendant became either a distributor or manufacturer and, therefore, no tests were conducted by this defendant. However, Owens-Illinois did conduct studies. Those studies were conducted at the Trudeau Foundation, Saranac Lake, New York.

INTERROGATORY NO. 23: If so, please state:

(a) The name, address, and job classification of each individual who conducted such tests.

(b) The results of such said tests.

(c) Date of such studies.

ANSWER:

See response to No. 22.

INTERROGATORY NO. 24: Do any written memoranda, specifications, blueprints or other written materials of any kind or character exist relating to the testing of said product?

ANSWER:

Not applicable. See response to No. 22.

INTERROGATORY NO. 25: If so, please state:

(a) List each such written material or document.

(b) Who presently has possession of each such document and where it is located.

ANSWER:

Not applicable. See response to No. 22.

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INTERROGATORY NO. 26: Did defendant or any of its subsidiary companies make any design changes as a result of such tests?

ANSWER:

Not applicable. See response to No. 22.

INTERROGATORY NO. 27: If so, please state:

(a) The nature of the change made.

(b) The name, address, and job classification of each person in charge of making a change.

ANSWER:

Not applicable. See response to No. 22.

INTERROGATORY NO. 28: After releasing said products to the public, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein?

ANSWER:

Industrial hygiene services, consisting of dust counts, were conducted on Kaylo on December 11, 1961, February 25, 1963, and in March 1963 at Union Carbide's Construction Insulation shop in Charleston, West Virginia, by Mr. Robert Peele, an Industrial Hygienist for Union Carbide. Mr. Peele concluded as a result of his test that the hazard to health, experienced when fabricating only "Kaylo" blocks, was negligible; that the environmental conditions in evidence, during the time of this survey of the fabrication of "Kaylo" blocks, were not hazardous to health; and that Kaylo insulation blocks could be fabricated safely at Union Carbide's Construction Insulation Shop. Subsequent to conducting these tests Peele met with Robert Esteep and William Lotz, employees of this defendant and discussed his results.

Dust studies were performed at a power plant in Montour, Pennsylvania on January 15, 1973 and Peachbottom, Pennsylvania on January 16 and 17, 1973,

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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. Results of the studies were communicated to defendant's Contracting Division. The defendant ceased the manufacture of asbestos-containing insulation in November 1972 and the sale of such product in early 1973.

INTERROGATORY NO. 29: If so, please state:

(a) The name, address, and job classification of each person conducting said tests.

(b) The results of said tests.

ANSWER:

See response to No. 28.

INTERROGATORY NO. 30: Prior to 1970, did you or your predecessor(s) ever have any labor inspectors or anyone from your company whose job it was to go to areas where your products were being used or installed to make a dust level count? If so, state when this procedure started, the purpose of such procedure, and what action, if any, was taken in response to the findings, and attach results.

ANSWER:

No, not prior to 1970. However, see response to No. 28.

INTERROGATORY NO. 31: If your company performed or had performed any dust level counts, what action based on the results did your company take?

ANSWER:

See response to No. 30.

INTERROGATORY NO. 32: Has your company or its predecessor(s) ever conducted any studies concerning the effects of the inhalation of asbestos dust or fibers on one using or being exposed to any of the asbestos materials

manufactured, sold or distributed by you, or your predecessor(s)? If answer to this question is "Yes", give the date and nature of such studies, if any; the name or names of the persons conducting such studies and their addresses; what the purpose of the studies were; and attach a copy of any reports based upon such studies, showing to whom such reports were given, and the date.

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. Results of the studies were communicated to defendant's Contracting Division. The defendant ceased the manufacture of asbestos-containing insulation in November 1972 and the sale of such product in early 1973. See attached Exhibit "D".

In addition, studies/surveys were conducted by Aetna, Bradley and Clayton; however, they were conducted for all dusts, not just asbestos dust and fibers. See Exhibits "E", "F" and "G" attached. These studies were conducted at Berlin & Bloomington Plants.

Industrial hygiene services, consisting of dust counts, were conducted on Kaylo on December 11, 1961, February 25, 1963, and in March 1963 at Union Carbide's Construction Insulation Shop in Charleston, West Virginia by Mr. Robert Peele, an Industrial Hygienist for Union Carbide. Mr. Peele concluded as a result of his test that the hazard to health, experienced when fabricating only "Kaylo" blocks, was negligible; that the environmental condition in evidence, during the time of this survey of the fabrication of "Kaylo" blocks, were not hazardous to health and that Kaylo insulation blocks could be fabricated safely at Union Carbide's Construction Insulation Shop.

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Subsequent to conducting these tests Peele met with Robert Estee and William Lotz, employees of this defendant and discussed his results.

INTERROGATORY NO. 33: Has your company or its predecessor(s) ever conducted or caused to be conducted any studies designed to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of your company's asbestos products? If so, give the following:

- (a) Name of the person or firm conducting such studies.
- (b) The date the studies began and the date completed.
- (c) Any publication or dissemination of the results of the studies.
- (d) The nature of any action to eliminate or minimize inhalation of asbestos dust or fibers.
- (e) Attach copies.

ANSWER:

a-e) Studies/surveys were conducted by Aetna, Bradley and Clayton, however they were conducted for all dusts, not just asbestos dust and fibers. See Exhibits "E", "F" and "G".

INTERROGATORY NO. 34: If your answer to Interrogatory No. 33 is "Yes", state the name and address of such industrial hygienist or hygienists.

ANSWER:

Objection; this interrogatory is vague as stated.

INTERROGATORY NO. 35: Does your company have, has it ever had, or has your predecessor(s) ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established.

- (a) How much expended each year on research, etc.
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health affects of asbestos.

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ANSWER:

This defendant has had a Research and Development Department since its inception in 1938.

a-b) Objection; irrelevant and not calculated to lead to discovery of admissible evidence.

INTERROGATORY NO. 36: Prior to 1965, did your company, or any predecessor(s), ever at any time give persons who would be applying or removing your asbestos products instructions concerning safety precautions to use in applying such products? If so, describe such instructions, to whom they were given, the dates they were given, and the manner of giving such instructions.

ANSWER:

Answering for this defendant only, yes. In 1966 warnings were printed on defendant's Kaylo products. See Exhibits "H" and "I" attached.

In April, 1970 warnings were placed on Fyrcor (prior name of this product was Unarcoboard). See Exhibit "J" and "K" attached.

In 1964 warnings were printed on bags of SC-30 and SC-40 cements manufactured and rebranded for Owens-Corning Fiberglas by Eagle-Picher. See Exhibit "L" attached.

INTERROGATORY NO. 37: Did your company, or your predecessor(s), ever place any warning signs on the containers in which asbestos products were packaged?

ANSWER:

Yes.

INTERROGATORY NO. 38: If you have answered Interrogatory No. 37 in the affirmative, please state:

(a) On what date did your company, or your predecessor(s), issue an order directing a warning be placed on your asbestos products, or containers?

- (b) On what date was such warning actually first placed on your asbestos products or containers?
- (c) On what date did your asbestos products, accompanied by such warning, first reach the contractor?
- (d) State the exact wording of the first warning.
- (e) State the exact size of the warning printed on your asbestos products or container.
- (f) Did your company, or its predecessor(s) dictate the exact size of the printed warning?
- (g) Why did your company or its predecessor(s) place such warning on your asbestos products or containers?
- (h) Did your company or its predecessor(s) place such warning on your asbestos products or containers because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute? If so, from whom and on what date did you receive such directive, command, suggestion, legal opinion, or other type of communication.
- (i) If the wording of the warning has ever been changed or altered, state when it was changed and the exact change in the wording.

ANSWER:

a) November, 1966 for Kaylo; June 1964 for SC-30 and SC-40 cements; warning on Unarcoboard cartons at time of purchase (April, 1970).

b) December, 1966 for Kaylo products; 1964 for SC-30 and SC-40 cements; April, 1970 for Unarcoboard (Fyrcor) products.

c) Unknown.

d) See Exhibit "H" attached.

e) See Exhibit "K" attached.

f) Answering for this defendant, yes.

g) The warning was placed on the bags containing cement products at the suggestion of Eagle-Picher with the concurrence of this defendant.

This defendant placed cautionary labels on its shipping containers as a result of more definitive information concerning the possible health hazards associated with the use of asbestos.

h) On June 2, 1974, an employee of the Pacific Coast division of this defendant was informed that Eagle-Picher Company was planning to attach a cautionary note on its asbestos-containing cements. Eagle-Picher inquired of

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this defendant at this time as to whether or not it would have Eagle-Picher place such a warning on the cements it rebranded for this defendant. This defendant agreed to have such labels applied to the rebranded cement on June 5, 1964.

At a meeting held on November 4, 1966, a decision was made that an appropriate caution statement for asbestos-containing high temperature insulation be drafted by November 30, 1966. Subsequently, a warning label was placed on Kaylo in December, 1966.

i) See Exhibit "I" attached.

INTERROGATORY NO. 39: Did your company or its predecessor(s) ever place any warning directly on any of its asbestos pipe covering, block, cloth, millboard or other asbestos products?

ANSWER:

No.

INTERROGATORY NO. 40: Did your company ever stamp the name of the company, its initials, or any identifying logo on any of its asbestos pipe covering, blocks, cloth, millboard or other asbestos product?

ANSWER: 1960 warning label placed on Fiberglas Blanket.

No.

INTERROGATORY NO. 41: Did the warning inquired about in Interrogatories 39 and 40, or similar warning, ever appear in any of your sales literature? If so, attach copies of such sales literature, showing the date such literature was printed.

ANSWER:

No, not to our present knowledge. However, the product literature for this defendant's Fiberglas Finishing Cements, Metal Mesh Blanket, OC Mastic, and Sewn Blanket clearly indicated that such products contained asbestos or could if specially ordered.

INTERROGATORY NO. 42: On what date was the sales literature inquired about in Interrogatory No. 41 first provided to distributors or sellers of your company's asbestos products, or your predecessor(s)'s products?

Refer to Product Chart Exhibit "C" previously provided.

INTERROGATORY NO. 47: After 1964 did you ever manufacture products containing asbestos without a warning? If so, list the name of the product and the years.

ANSWER:

Warnings appeared on Kaylo products commencing in 1966; on Unarcoboard (Fyrcor) products in April, 1970; and SC-30 and SC-40 cement products in 1964. These warnings were printed on the containers in which the products were shipped.

In 1972, this defendant ceased the manufacturing of asbestos-containing Kaylo.

INTERROGATORY NO. 48: If your company, as of the date of answering these interrogatories, still manufacturing, selling or distributing any products containing asbestos? If so, give the brand names of such products and the binding material and dates of first manufacture of such product.

ANSWER:

This defendant ceased the manufacture of asbestos-containing Kaylo products in 1972 and the same of such products in early 1973.

INTERROGATORY NO. 49: Did your company or any predecessor(s) ever have a division or subsidiary company engaged in the contracting business of applying asbestos products? If so, give the name of such division or subsidiary company, the full address of the home office of such division or subsidiary company, and the dates such division or subsidiary company was engaged in the contracting business.

ANSWER:

Yes. Contracting units operated as The Contracting Division of Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

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ANSWER:

See response to No. 41.

INTERROGATORY NO. 43: Were any material safety data sheets ever prepared by your company or its predecessor(s)? If so, attach copies.

ANSWER:

See 1970 documents which have previously been provided to plaintiff's counsel. Material safety data sheets contained therein are all that this defendant has in its possession.

INTERROGATORY NO. 44: Did your company or its predecessor(s) ever recall any products containing asbestos from the common market?

(a) State all details of such recall, giving the name of the product, the time of recall and any further action taken in connection with the recall.

ANSWER:

No.

INTERROGATORY NO. 45: Has your company or its predecessor(s) ever directly advised any contractor to whom you sell your products containing asbestos of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienists? If so, state the date or dates that you so advised such contractors, the manner in which you advised such contractor, and the name of each contractor.

ANSWER:

Based on present information, no.

INTERROGATORY NO. 46: Prior to 1964 did your company or its predecessor(s) ever manufacture products containing asbestos without a warning? List the years.

ANSWER:

This company did not have its inception until 1938.

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The Contracting Division was in operation from January, 1950 until the division was sold in February, 1987.

INTERROGATORY NO. 50: Did any division of your company or subsidiary company engaged in the contract business of applying asbestos products or your workmen's compensation insurance carrier ever have any claims for lung diseases or death from lung diseases, whether directly or indirectly attributed to asbestosis, mesothelioma, lung cancer, or any exposure to asbestos products prior to 1972? If the answer is "Yes", give the name of such employees and attach copies of such claims and copies of all documents relating to the disposition and handling of such claims.

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. A search of this defendant's files has failed to locate information indicating that this defendant received notice of the claims at or about the time the claims were filed. The first record of a specific claim that was found in the files of this defendant was in late 1966, and this claim did not involve an employee of this defendant.

INTERROGATORY NO. 51: Give the location of the state industrial accident board handling each such claim, the disposition of such claims, and the amounts paid in workmen's compensation benefits to each such employee, and the name of the compensation carrier.

ANSWER:

See response to No. 50.

INTERROGATORY NO. 52: Did your company or its predecessor(s) ever make any industrial hygiene surveys concerning its asbestos products? If so, give the date of such surveys, and attach copies of such surveys.

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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. Results of the studies were communicated to defendant's Contracting Division. The defendant ceased the manufacture of asbestos-containing insulation in November 1972 and the sale of such product in early 1973. See attached Exhibit "D".

INTERROGATORY NO. 53: State the year that this defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists, and state the name of the employee-official of the company receiving such advise and attach copies of the instrument communicating such advise.

ANSWER:

This defendant cannot represent that it is aware of all State, Federal, local and private standards regarding TLVs.

In 1938, the U. S. Public Health Service tentatively recommended a TLV for asbestos dust exposure of 5 MPPCF.

From 1946-1970, the ACGIH adopted a TLV of 5 MPPCF.

In 1963 this defendant was informed by Robert Peele, an Industrial Hygienist for Union Carbide, that the maximum allowable asbestos dust in the air was five (5) million particles per cubic foot of air. The Company was also informed that based upon dust samplings conducted by Mr. Peele during the fabrication of Kaylo that the dust amounts were below the applicable TLV.

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In 1971, OSHA adopted an emergency standard for exposure of asbestos dust of 5 fibers/cc greater than 5 micrometers in length based on an 8 hour time weighted average.

In 1972, OSHA adopted the above as a permanent standard.

In 1974, the ACGIH adopted a TLV of 5 fibers/cc greater than 5 micrometers in length.

In 1976, OSHA adopted a standard of 2 fibers/cc greater than 5 micrometers in length based on an 8 hour time weighted average.

INTERROGATORY NO. 54: Was such threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 53 TOTAL dust and not just asbestos dust?

ANSWER:

Total dust.

INTERROGATORY NO. 55: State in detail what test, if any, your company ever made with regard to the quantity, quality or threshold limit values or asbestos dust or particles to which applicators or consumers of your product were exposed while using your products containing asbestos.

(a) If there were any such tests or studies, give the name or names of the person(s) conducting the tests, the date of the tests and attach true copies of any reports, findings or memorandums concerning such tests or studies.

ANSWER:

See response to No. 52.

INTERROGATORY NO. 56: When did any official with your company first have knowledge, information or understanding that asbestos would or could or might produce the diseases of:

- (a) Asbestosis;
- (b) Mesothelioma;

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- (c) Lung cancer;
- (d) Any other diseases;
- (e) With reference to your company, give the name of such official who first had such knowledge, list them and attach copies.
- (f) If there are any documents, records or memorandums of any kind concerning such knowledge, list them and attach copies.

ANSWER:

This defendant is now aware of medical literature associating various health problems with the inhalation of asbestos fibers. 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 1940's some employees of this defendant became aware of potential health hazards associated with the inhalation of asbestos fibers in the asbestos and textile manufacturing industry.

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 at 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

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manufacturing plants, including x-ray results, revealed no lung changes of any kind that could be contributed to the occupational exposure to 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.

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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 in December 1966.

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

INTERROGATORY NO. 57: Do you have any photographs of the products inquired about above or their packages or containers? If so, please attach exact copies.

ANSWER:

Photographs of the actual product packaging are not available; however, this defendant does have photographs of mock-ups of cartons in which Kaylo was shipped. See attached Exhibit "N". Also see attached Exhibits "O", "P" and "Q".

INTERROGATORY NO. 58: Has the answering defendant or any of its predecessor(s) ever mined asbestos? If so, state the dates in which such mining took place and the locations of the mines.

ANSWER:

No.

INTERROGATORY NO. 59: List by brand name every product containing asbestos which defendant or defendant's predecessor(s) has manufactured since 1910. As to each such product, please state the following:

- (a) The type of product (e.g., acoustical plaster, fireproofing, concrete, etc.);
- (b) The date the product first went into production;
- (c) The date the product was discontinued from production;
- (d) The last date the product was sold;

(e) All manufacturing locations of the product;

(f) The identity of the plant manager(s) or managing agent(s) of defendant who has knowledge of the products manufactured by defendant and its predecessor(s), and who may be called upon by plaintiffs to testify by deposition.

ANSWER:

This defendant did not have its inception until 1938.

a-d) Refer to the attached Product Chart Exhibit "C".

e) Defendant's Kaylo asbestos-containing industrial insulation was manufactured at its Berlin, New Jersey plant from May, 1958 until November, 1972, at which time the production of asbestos-containing Kaylo ceased. Defendant's Fyrcor was manufactured at its Bloomington, Illinois plant from April, 1970 until November, 1972 at which time the production ceased. Cements, sewn blankets, metal mesh blankets, and Type II Mastic at its Newark, Ohio plant. Newark, Ohio produced a small quantity of asbestos-containing products. The Newark plant began operation in 1938. The Bloomington, Illinois plant was sold in early 1982, and the other plants are still in operation producing other products.

f) Berlin, New Jersey Plant Managers were/are:

O. W. Pfeifer (retired) 1953 - July, 1961. (This man worked for Owens-Illinois and when we purchased the plant he stayed on and became an employee of ours).

Royce Amos (deceased) 8/1/61 to 2/1/65.

Michael Hardwich 2/1/65 to 8/1/68 (Terminated employment 10/10/75; (address unknown).

Paul Scheuerle 8/1/68 to 10/1/73. Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

George J. Cole 10/1/73 to 12/31/77. Bayer-Owens-Corning Glass Wool, 100 Souverain, 1170 Brussels, Belgium.

R. S. Hite 1/1/78 to 2/1/80. Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

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William R. Bowman 2/1/80 to present

Bloomington, Illinois Plant Managers were/are:

William A. Swaney 4/70 to 1972. Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

Keith Preston 1972 to 1976. (Terminated employment).

Carlo Poggi 1976 to 1978. Owens-Corning Fiberglas Corporation; Fiberglas Tower, Toledo, Ohio 43659.

P. T. Worley 1978 to present.

Newark, Ohio Plant Managers were/are:

Ben Boyd 1938 to 1944.

Fred Coumbe 1944 to 1954.

Howard Richter 1954 to 1955.

W. K. Sidwell 1955 to 1959.

Paul Welch 1959 to 1960.

Robert McEvoy 1960 to 1965.

Royce Amos 1965 to 1968.

Eric Gay 1968 to 1978.

Lawrence Harrington 1978 to Present.

INTERROGATORY NO. 60: As to each product identified in response to the foregoing interrogatory please indicate:

- (a) The type of asbestos contained in the product as it was first manufactured;
- (b) The percentage of asbestos contained in the product as it was first manufactured;
- (c) Any modifications to the product which altered the percentage or type of asbestos in the product and the dates of such modification;
- (d) The source of asbestos in each product;
- (e) The color, physical characteristics, and appearance of each product;
- (f) A full and complete description of the package in which the

product was sold, including, but not limited to, type of package, size, color(s), and writings thereon;

(g) All other names under which the product was sold;

(h) The number and date of each patent or patent application as to the product;

(i) If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and the date the product was first produced without the asbestos;

(j) If the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of replacement product, and the date the replacement product first went into production;

(k) The identity of the custodian, managing agent, or employee who has photographs, drawings, or labels for each product;

(l) The reasons why asbestos was used as an ingredient in each such product;

(m) The content of any warning labels, inserts or other writings provided with such product with ever such printed warning, what period of time it has or had accompanied the product, the exact wording of the warning, any amendments made to the the wording, whether the warning was located on each product or packaging, and on what asbestos products the warnings appear(ed);

(n) Any special instructions provided with such product regarding the use, protection or safety procedures to be employed by persons handling such product.

ANSWER:

a-b) Refer to Product Chart Exhibit "C" previously provided.

c) Yes. Asbestos fibers were added to this defendant's asbestos-containing thermal insulation product to 1) provide strength to the finished product and 2) to prevent the solids, mixed in the manufacturing process, from settling out of the slurry. On three occasions, this defendant conducted research aimed at removing all or part of the asbestos contained in its asbestos-containing thermal insulation.

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The first such experimentation occurred in the early 60's. The purpose of that research was to substitute fibrous glass for a portion or all of the asbestos contained in its asbestos-containing thermal insulation. At that point in time, this defendant was not aware of any health hazard associated with exposure to its asbestos-containing thermal insulation product. The reason for those attempts to replace asbestos with fibrous glass was that this defendant was a glass company and desired to find as many uses for its glass products as possible. That research was unsuccessful in that it was discovered that the types of glass fibers then available to this defendant were attacked by the alkali present during the manufacturing process resulting in their total loss of integrity and strength imparting properties.

The second occasion, wherein there were attempts to substitute materials for asbestos in this defendant's asbestos-containing thermal insulation, occurred in 1965. On that occasion, a researcher employed by this defendant at its research laboratories, determined that in the laboratory setting a cotton netting and chopped lengths of cotton string could be substituted for that portion of the asbestos contained in the thermal insulation product which provided reinforcement or strength to the finished product. This technology was not able to be adapted to the manufacturing process. Furthermore, it was determined that when the product produced in the laboratory containing the cotton reinforcement was applied to hot pipes, the cotton would burn out and leave no reinforcing agent in the product, thus causing it to break apart and crumble on contact. Again, this research was not motivated by an awareness on the part of this defendant of any health hazard associated with its asbestos-containing thermal insulation. The purpose of this research was to attempt to increase the impact strength of this defendant's high temperature thermal insulation.

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The third occasion on which research was conducted which was aimed at replacing all or part of the asbestos in this defendant's asbestos-containing thermal insulation began in late 1966 and early 1967 and continued until this defendant was able to produce an asbestos-free, high temperature thermal insulation in November, 1972. On this occasion, the research was aimed at removing all asbestos from its high temperature thermal insulation products.

That research began as a result of a meeting in November, 1966, at this defendant's research facilities in Granville, Ohio. Among the things discussed at that meeting was the state of this defendant's knowledge concerning health hazards associated with its asbestos-containing thermal insulation. It was determined by company officials that, although they were uncertain that there were definite health hazards associated with exposure to its asbestos-containing thermal insulation products, company knowledge in that regard had progressed to the point where the most responsible course of conduct indicated that defendant should: 1) place warning labels on its asbestos-containing thermal insulation products so as to inform users of the possible dangers that might be associated with them, and 2) began a research effort to locate substitutes for asbestos. Warning labels were, in fact, placed on this defendant's asbestos-containing thermal insulation products in December, 1966.

The first step in the research effort consisted of determining whether any known, commercially available fibers could be used in lieu of asbestos. This meant the fiber had to be able to be mixed into the batch, go through the manufacturing process which involved subjecting those fibers to high concentrations of alkali, temperatures and pressure, which was necessary to form the finished product and survive on the hot pipe on which the finished product was installed.

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During this screening, numerous fibers were tested such as: Mineral wool, Kaowool, Fiberfax, potassium titanate, nylon, dacron, rayon, silk, linen, polyester, acrylic, Nomex, wool, bagasse, sisal, excelsior, jute, kemp, sawdust, straw, coconut fiber, corn cobs, peanut hulls, oat hulls, walnut shells, cotton thread, cotton string, cotton yarn, cotton hulls, cotton linters, aspen wood fibers, pine wood fibers, Calsi-Crete wood fibers, unbleached kraft, bleached kraft, hardboard chips, softwood chips, bleached hardboard pulp, bleached softwood pulp, unbleached hardboard pulp, unbleached softwood, sulfate bleached softwood, sulfate bleached hardwood, usutu, alpha cellulose and metal fibers. Hundreds of experimental samples of products were produced and tested.

At that point in time, this defendant had two methods for manufacturing asbestos-containing thermal insulation products, the pan poured method and the filter press method. These methods differed sufficiently to force this defendant to have to attempt to develop two different asbestos-free formulations. As such, every time a substitute for asbestos was tried, the entire process would have to be done for the pan poured formulation and repeated for the filter press formulation. The results of those research efforts were that it was determined that no known fiber could be substituted for the asbestos in this defendant's high temperature thermal insulation.

At that point in time, the head of this defendant's research lab determined that, in order to solve the problem of finding a replacement for asbestos, it would be necessary for a substitute fiber to be invented. In approximately 1969 or 1970, an alkaline resistant glass (AR Glass) was developed and the formulation obtained by this defendant from an English company. That was a glass that would not dissolve during the manufacturing process. Research efforts were then begun to make fibers out of this glass.

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This defendant was eventually able to fiberize this AR Glass. It was then determined that these new glass fibers could be used in the manufacturing of its high temperature insulation products. However, it was determined that it could only replace that portion of the asbestos which gave strength to the finished product. It could not replace the asbestos that prevented the solids from settling out of the mix during manufacturing.

As such, research was begun to find a replacement for that portion of the asbestos content of the high temperature insulation that could not be replaced with the AR Glass, it was eventually determined that a type of wood pulp could be used to replace that portion of the asbestos. To do so, it was necessary to lower the operating temperatures within the SID autoclave portion of the manufacturing process, which was easily accomplished. It should be noted that the wood pulp could only be used to replace that portion of the asbestos which prevented the solids, mixed in the manufacturing process, from settling out of the slurry. It could not replace that portion of the asbestos which added strength to the finished product. The wood pulp would burn out when the insulation was placed on the hot pipe.

By the Spring of 1972, this defendant was ready to take the formulation it had developed for an asbestos-free product in the laboratory and attempt to scale it up to production runs at Berlin. There were several problems encountered during this phase of the research which had to be overcome, such as plugging of the lines, autoclave cycles, filtration problems, and softer greenware. These problems were resolved and in November, 1972, this defendant was able to begin manufacturing an asbestos-free product.

d) For the years 1964-1972, raw asbestos was purchased from the following companies:

Lake Asbestos of Quebec

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North American Asbestos Corp.
Carey Canadian Mines, Ltd.
Johns-Manville

We have been unable to locate asbestos purchase records prior to 1964.

- e) Refer to Product Chart Exhibit "C" previously provided.
- f) See attached Exhibits "N", "O", "P", and "Q".
- g) Refer to Product Chart Exhibit "C" previously provided.
- h) See attached Exhibits "R" and "S".
- i) The production of asbestos-containing Kaylo ceased because this defendant wanted to use its own product, fibrous glass, and because of more definitive medical literature relative to asbestos and health. Unknown as to the other products.

In 1966, this defendant instituted a research program to totally replace asbestos. Various fibers including cotton, metal, ceramics, rock wool, and glass were tested. All of these fibers were rejected for one reason or another.

This defendant eventually discovered that AR Glass Fibers could be used as a substitute for amosite asbestos and that wood pulp would serve as a substitute for chrysotile asbestos. This defendant began production of asbestos-free Kaylo in November, 1972.

Kaylo AF is the name of defendant's asbestos-free insulation and the ingredients are as follows:

AR Glass fibers
Wood pulp
Lime
Portland cement
Diatomaceous earth
Tripoli
Clay
Kaylo dust

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It was under the direction of L. W. Saxby, Senior Vice President, that the manufacture and sale of asbestos-containing products ceased.

j) See response to (i) above.

k) This defendant's Law Department

l) Thermal capability. 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.

m) This defendant placed written warnings on its Kaylo products in 1966 and its Unarcoboard (Fyrcor) product in April, 1970 and SC-30 and SC-40 cements manufactured by Eagle-Picher in 1964. Those warnings were direct to all users of those products. See Exhibits "H", "I", "J", "K" and "L" attached.

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, S & C supervisors, HBP supervisors, and S & C managers with instructions to review the matter with their salesmen.

See attached Exhibit "T".

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

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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 committee, 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.

n) See Exhibits "U", "V", "W" AND "Y" attached. This material was distributed to purchasers of defendant's asbestos-containing products. Whether or not it was supplied to users is not known by this defendant. Also, see response to (m) above.

INTERROGATORY NO. 61: With respect to your Answer in Interrogatory No. 60, did you specifically inform the purchaser or user of your products during the same time period that your products were manufactured and sold that such products could cause cancer, asbestosis, and other serious diseases?

ANSWER:

Warnings appeared on asbestos-containing insulation products manufactured and sold by this defendant. Warnings appeared on Kaylo products commencing in 1966; on Unarcoboard (Fyrcor) products in April, 1970; and SC-30 and SC-40 cement products in 1964. These warnings were printed on the

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containers in which the products were shipped. See Exhibits "H", "I", "J", "K" and "L" attached.

See Exhibits "U", "V", "W" and "Y" attached. This material was distributed to purchasers of defendant's asbestos-containing products. Whether or not it was supplied to users is not known by this defendant.

In addition, 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. Additionally, this defendant distributed that pamphlet to its branch managers, S & C supervisors, HEP 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.

Also, this defendant placed written warnings on shipping containers of Kaylo in 1966, on Unarcoboard (Fyrcor) in April, 1970 and on SC-30 and SC-40 cements in 1964. Those warnings were directed to all users of those products.

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INTERROGATORY NO. 62: Identify the distribution chain of defendant's asbestos products since 1925 along with any documents evidencing or confirming such chain, including but not limited to distribution from and to other defendants.

ANSWER:

This defendant did not have its inception until 1938. Objection, overly broad and burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence without waiving its objection this defendant states that based upon present information, it may have employed licensed or franchised distributors for the distribution of its Kaylo product. This defendant, however, does not know the names of these distributor. At this time, this defendant does not know whether distributors or suppliers were used with respect to the other asbestos-containing products listed on Exhibit "C".

INTERROGATORY NO. 63: Identify your distributors and/or suppliers of raw asbestos, asbestos cement and other asbestos products with which you had business contact.

ANSWER:

See response to Interrogatory 62 and 60(d).

INTERROGATORY NO. 64: Is this defendant aware or has it possessed knowledge concerning the reported causal connection between exposure to asbestos or asbestos products and:

- (a) Asbestosis?
- (b) Lung cancer?
- (c) Mesothelioma?
- (d) Other cancer?

ANSWER:

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a-c) This defendant is aware of medical literature so indicating a causal connection between exposure to asbestos and the mentioned diseases.

d) Objection. Defendant is not certain as to what is meant by "other cancers".

INTERROGATORY NO. 65: If answer to preceding Interrogatory as to any or all of its subparts, is in the affirmative, identify:

- (a) When and how defendant first learned of such connection;
- (b) If knowledge was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting and provide the identity of persons attending and documents obtained;
- (c) If knowledge was obtained from medical or scientific studies, or any other published work, identify same;
- (d) If otherwise obtained, identify manner of receipt of document or communication.

ANSWER:

a-d) This defendant is now aware of medical literature associating various health problems with the inhalation of asbestos fibers. 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 1940's some employees of this defendant became aware of potential health hazards associated with the inhalation of asbestos fibers in the asbestos and textile manufacturing industry.

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 at 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 contributed to the occupational exposure to 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

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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 in December 1966.

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

INTERROGATORY NO. 66: With regard to any knowledge obtained subsequent to that identified in your answer to Interrogatory 65 (a) above, identify:

(a) All documents or communications, oral or written, concerning the casual connection between exposure to asbestos or asbestos products and disease, and identity of persons so communicating;

(b) Did answering defendant obtain from or transmit any such information to other defendants in this case? If so, identify:

(1) Manner of receipt or communication for each contact;

(2) All documents and persons involved.

ANSWER:

a) Yes. Said writings are as follows:

An article by Dr. Irving J. Selikoff, et al. entitled "Asbestos Exposure and Neoplasia." Printed April 6, 1964.

"Objectives and General Plan for Occupational Health Study of the Asbestos Products Industry" dated August 21, 1962; printed by the Division of Occupational Health, Department of HEW.

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"Environmental and Medical In-Plant Occupational Health Study of the Asbestos Products Industry" dated January 15, 1963; printed by the Division of Occupational Health, Department of HEW.

Conference on "Biological Effects of Asbestos" dated October 19-21, 1964.

The New Scientist entitled "A Dangerous Dust" dated March, 1967.

Article entitled "Asbestos in the Lungs" printed in an issue of Nature dated March 4, 1967.

Article printed in The Washington Post on December 25, 1967, entitled "Rare Fatal Cancer is Showing Up Among Those Handling Asbestos."

Article printed in a copy of the Asbestos Workers Magazine dated May, 1966, Vol. 16, No. 15.

An intra-company memo dated November 1, 1963, from (unreadable) addressed to S. E. Thomas and O. W. Pfeifer. The memo states, "The attached report supplied by Hoffner and Smith on the handling of a very fine asbestos dust should be of interest." The report referred to in this message has not been found.

An intra-company memo dated April 22, 1968, from John Vyverberg to F. H. Edwards, Dr. J. L. Konzen, Dave MacCurdy, and J. E. Murphy. Subject: Occupational and Environmental Health. In this memo, John Vyverberg attaches a report on asbestos and human health.

An intra-company memo dated August 19, 1968, from John Vyverberg to Dr. J. L. Konzen, Paul Scheuerle and S. H. Thomas. Subject: Asbestos and the General Public. In this memo, John Vyverberg attaches a position paper on asbestos and the general public.

Article printed in 1968 by the Plainfield-Courier News entitled "J-M Official Denies Asbestos Dust Endangers Public Health."

Article entitled "Excerpts on Asbestos from Science News," printed in Science News, Vol. 95/1-11-69, in 1969.

Article printed in American Textile Reporter, sometime in 1969, entitled "Textile Center Doctors See Little 'Brown Lung' Evidence."

Article printed in 1969, authored by George W. Wright, entitled "Asbestos and Health in 1969."

Article printed in Engineering News Record, sometime in 1970, entitled "loose Asbestos Fibers Seen as Cancer Threat to Many in Building Trades."

Article authored by Dr. Cooper and Leroy Balzer, entitled "Evaluation and Control of Asbestos Exposure in the Insulating Trade"; printed sometime in 1970.

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Article authorized by Arthur Langer, Irving Selikoff and Antonio Sastre; printed sometime in 1971; entitled "Chrysotile Asbestos in the Lungs of Persons in New York City." This article is from the Archives of Environmental Health, Maryland, 1971, Vol. 22.

Article from the Archives of Environmental Health, Vol. 25, printed September, 1972, entitled "Carcinogenicity of Amosite Asbestos."

Article authored by William E. Smith, printed sometime in 1973, entitled "Terminal Progress Report Grant No. 3R001.EC-00226-04S1 Mesothelioma in Relation to Asbestos."

Article printed from C & EN dated December 10, 1973, entitled "Asbestos Health Question Perplexes Experts."

Article from the Archives of Environmental Health, Vol. 27, August, 1973, entitled "Worker Sponsored Survey for Asbestosis."

Article from the Archives of Environmental Health, Vol. 27, November, 1973, entitled "Type of Asbestos and Respiratory Cancer in the Asbestos Industry."

Article from the National Institute of Health dated February 1, 1973, Environmental Sciences Laboratory, Mt. Sinai School of Medicine, City U of New York, entitled "Biological Effects of Asbestos."

U. S. Public Health Bulletin No. 241 entitled "A Study of Asbestos in the Asbestos Textile Industry," authored by Waldemar C. Breessen, et al.

Study by the Trudeau Foundation, Saranac Lake, entitled "Effect of Inhaled Commercial Hydrous Calcium Silicate Dust on Animal Tissues," July 15, 1955, and various communications relating thereto, between Owens-Illinois and the Trudeau Institute. These documents were obtained by the defendant, presumably around April, 1958, date of acquisition of Berlin, New Jersey plant from Owens-Illinois.

An article by Irving J. Selikoff, M.D., E. Cuyler Hammond, ScD, and Jacob Churg, M.D., entitled "Asbestos Exposure, Smoking and Neoplasia" printed in the JAMA, April 8, 1968.

b) Unknown.

INTERROGATORY NO. 67: As to any knowledge possessed by answering defendant at any time referred to in your answer to Interrogatory 64, did you educate your employees, distributors or purchasers of the hazards known to you and the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of your products? If so, identify:

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- (a) When and in what manner customers, insulators, factory workers and the general public were so informed;
- (b) Documents communicating or otherwise disseminating such information;
- (c) Programs initiated or sponsored to establish or promote safety procedures, methods or usage of equipment;
- (d) Published articles or reports by employees (present or prior), including those of medical directors, scientists, engineers or other professionals;
- (e) Symposia or lectures sponsored for the benefit of asbestos workers and/or the general public.

ANSWER:

Yes.

a) In 1971 this defendant presented an educational program to its Berlin Plant employees regarding the potential hazards of exposure to asbestos dust.

b) See attached Exhibits "T" and "Y".

c) See response to a.

This defendant placed written warnings on shipping containers of Kaylo products in 1966, 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 "H", "I", "J", "K", and "L".

d) None to the present knowledge of this defendant.

e) See response to c.

INTERROGATORY NO. 68: When and by what manner were you first aware of the hazards relating to exposure to asbestos or asbestos products:

(a) For inside insulators and contractors.

(b) For outside insulators and contractors.

ANSWER:

See response to Interrogatory 65.

INTERROGATORY NO. 69: If you have knowledge or information concerning the following, answer in the affirmative or negative, whether:

- (a) Early detection of mesothelioma results in any appreciable rate of cure or arrest;
- (b) A single exposure to asbestos may cause mesothelioma, other cancers or asbestosis;
- (c) Cumulative or multiple exposures to asbestos result in a greater risk of harm to the exposed person;
- (d) An outside insulator has a risk of harm from exposure to asbestos or asbestos products;
- (e) Stripping or removing old asbestos creates a greater risk of harm than insulation of asbestos or asbestos products;
- (f) Cancer resulting from exposure to asbestos develops generally after:

- (1) 1-5 years
- (2) 6-10 years
- (3) 11-20 years

- (g) There is any known relationship between smoking and mesothelioma;
- (h) There is any reported cause of mesothelioma other than exposure to asbestos.

ANSWER:

a-b) This defendant objects on the basis that the defendant does not have sufficient knowledge to form an opinion in this regard.

c) Yes.

d) Under certain conditions of prolonged and excessive exposure.

e-f) This defendant objects on the basis that the defendant does not have sufficient knowledge to form an opinion in this regard.

g) As to the relationship between mesothelioma and inhaled or ingested tobacco by-products, this defendant is aware of no generally accepted medical and scientific opinion of a proved relationship or association.

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This defendant is aware of medical and scientific literature expressing the association of primary peritoneal and plural mesothelioma with the inhalation and/or ingestion and retention of asbestos fibers over a sufficient period of time and in sufficient quantities. This defendant does not know of any general acceptance by the medical and scientific community of a relationship between the alleged asbestos induced primary peritoneal and/or plural mesothelioma and the inhalation and/or ingestion and retention of tobacco by-products (e.g., cigarettes).

This defendant's experts will be identified as required by the rules of civil procedure.

h) Yes.

INTERROGATORY NO. 70: As to each answer to Interrogatory 69, identify at least one person or document upon which answering defendant relies.

ANSWER:

See defendant's response to Interrogatory 69.

INTERROGATORY NO. 71: Did you perform, direct to be performed, finance, sponsor or receive the results of any studies or tests concerning the relationship between asbestos exposure and asbestosis and/or cancer? If so, identify:

- (a) When, where and at what intervals such studies were performed;
- (b) Were such studies in writing or reported at a later date in writing;
- (c) Were the results of such studies published or otherwise disseminated? If so, state to whom and when;
- (d) Who performed such studies;
- (e) Will you produce the results of such studies at this time or state where the results are maintained.

ANSWER:

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This defendant did not perform, direct to be performed, finance or sponsor any of the mentioned tests. Defendant did locate in its historical files some documents relating to a study done at Saranac Lake, New York at the request of Owens-Illinois.

a) This defendant understands that the studies were performed at the Trudeau Institute in Saranac Lake, New York over the period from 1943 to 1952. Also see answer above.

b) Yes.

c) Yes. The Saranac Study was published in 1955 in the A.M.A. Archives of Industrial Health.

This defendant was informed of the results of Mr. Peele's studies during conversations between Mr. Peele and representatives of this defendant in 1963.

d) The Trudeau Laboratories. Also, see answer above.

e) Not applicable.

INTERROGATORY NO. 72: Identify the scientific or medical periodicals to which defendant, its medical department or industrial hygiene division subscribed from 1925 to the present, and the dates of such subscriptions.

ANSWER:

This defendant did not have its inception until 1938.

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 Public Health

The Medical Clinics of North America

INTERROGATORY NO. 73: Did defendant, its medical department or industrial hygiene division maintain a medical and/or scientific library at any time from 1925 to the present? If so, state:

- (a) The dates such library existed;
- (b) The number of volumes maintained therein;
- (c) The number of employees, part-time or full-time, assigned to maintenance of said library, and to whom in the corporate structure those employees report(ed).

ANSWER:

This defendant did not have its inception until 1938.

a) Medical Library established in 1968. Industrial Hygiene Library established in 1970.

b) In excess of 100.

c) F. Lichtenburg, 4/1/75 to 3/1/77; S. Fansler, 3/1/77 to present.

INTERROGATORY NO. 74: Identify all trade organizations, associations, or other entities, including but not limited to A.T.I., I.H.F., N.I.M.A., A.I.A., N.I.C.A., T.I.M.A., Q.A.M.A., P.I.C.A., or Q.A.P.A., to which you have belonged or in which you have participated since 1925, stating the applicable dates of such membership or participation.

ANSWER:

This defendant objects to this interrogatory as being overly broad and unduly burdensome as it requests all groups, associations, inter-company, etc. that this defendant has been member of, not limited to such asbestos manufacturing related groups. Furthermore, this defendant did not have its inception until 1938.

In an effort to be responsive, this defendant has been a member of the following organizations for the years stated:

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National Insulation Manufacturers Association, Inc. (1958 to present), 441 Lexington Ave., New York, New York 10017

Thermal Insulation Manufacturers Association (1958 to present), 7 Kirby Plaza, Mt. Kisco, New York 10549

National Mineral Wool Association (1969 to present), 382 Springfield Ave., Summitt, New Jersey 07901

Industrial Hygiene Foundation of America and its successor, Industrial Health Foundation (1942-1950 and 1953 to present), 5232 Center Ave., Pittsburgh, Pennsylvania 15232

National Insulation Contractors Association (1967 to present), 1025 Vermont Ave., N.W., Suite 410, Washington, D.C. 20005

American Society of Testing & Materials (Unknown), 1916 Race Street, Philadelphia, Pennsylvania 19103

To the present knowledge of this defendant, these organizations did not contribute or conduct studies regarding the health hazard of exposure to asbestos fibers.

This defendant was not a member of A.T.I., A.I.A., Q.A.M.A., P.I.C.A., or Q.A.P.A.

INTERROGATORY NO. 75: Identify all persons attending on your behalf any meetings held by trade organizations, associations, or other entities identified in answer to Interrogatory No. 74.

ANSWER:

H. T. Williams, D. W. Ladd, John Vyverberg, J. P. Kern represented the defendant on NIMA/TIMA Board of Directors.

Donald Bradshaw represented this defendant at various times through his involvement with the Health & Safety Committee of the National Insulation Contractors Association (NICA).

INTERROGATORY NO. 76: Identify the names or nature of all notes, reports, studies, or other writings submitted by you or received by you at meetings held by organizations described in answer to Interrogatory No. 74.

ANSWER:

Although not restricted to receipt "at meetings," 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>1972</u> Jan - Missing
<u>1955</u> Jan - Dec	<u>1964</u> Jan - Dec	<u>1973</u> Jan - Dec
<u>1956</u> Jan - Dec	<u>1965</u> Jan - Dec	<u>1974</u> Jan - Dec
<u>1957</u> Jan - Dec	<u>1966</u> Jan - Dec	<u>1975</u> Jan - Dec
<u>1958</u> Feb - Missing Jul - Missing Aug - Missing Sept - Missing Oct - Missing	<u>1967</u> Jan - Dec	<u>1976</u> Jan - Missing Dec - Missing
<u>1959</u> None	<u>1968</u> Jan - Dec	<u>1977</u> Jan - Dec
<u>1960</u> None	<u>1969</u> Jan - Dec	<u>1978</u> Jan - Dec
<u>1961</u> Jul - Only have Aug - Only have Sept - Only have	<u>1970</u> Jan - Dec	<u>1979</u> Jan - Dec
<u>1962</u> Jan - Missing Apr - Missing	<u>1971</u> Jan - Dec	<u>1980</u> Jan Feb

In addition, this defendant received the "Recommended Health & Safety Practices" pamphlet prepared by NIMA.

Documents will be produced for the cost of reproduction of same.

Also, this defendant has some minutes of the group's meetings of NIMA/TIMA and the Industrial Hygiene Foundation/Industrial Health Foundation.

Any correspondence between this defendant and other members of these groups

relating to the hazards of asbestos exposure that are known by this defendant to exist have previously been provided to plaintiff's counsel.

As this interrogatory relates to non-asbestos matters, objection; irrelevant and not calculated to lead to discovery of admissible evidence.

INTERROGATORY NO. 77: Identify any documents received by you from or submitted by you to those trade organizations, associations or other entities identified in answer to Interrogatory No. 74 relating to the relationship between asbestos exposure and disease.

ANSWER:

See response to Interrogatory 76.

INTERROGATORY NO. 78: Identify all agreements, oral or written, between you, any of the other defendants in this lawsuit, and/or any other organizations, associations or other entities identified in your answer to the Interrogatory No. 74 or any medical or scientific foundations, relating to the standardization of:

- (a) Specifications for asbestos cloth products;
- (b) Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- (c) Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- (d) Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;
- (e) Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- (f) Medical programs to be offered or sponsored by defendant.

ANSWER:

a) Not applicable. This defendant did not manufacture or sell asbestos cloth products.

b) Not applicable. This defendant did not manufacture or sell paper or burlap bags. Following is a list of companies from whom this defendant purchased containers for its asbestos-containing insulation.

Owens-Illinois
International Paper
Weyerhaeuser company
Western Kraft (Western Kraft Willamet Industries
Paper Group)

Addresses to these companies are not presently available. See Exhibits "H", "I", and "O" for the Kaylo and Fyrcor warnings.

c) Please refer to defendant's 1960's and 1970's documents previously produced in this litigation.

d) This defendant did not advertise in the usual way via TV or magazines, etc. However, Product Data and Specification Material was prepared and distributed to purchasers of defendant's asbestos-containing insulation. This material was not the result of any one author, but many people contributed. This defendant did not use an "ad agency" for this material.

e) Respirators were recommended and made available to employees working in areas where dust of any kind was generated. The reason employees were told to wear respirators was to protect themselves from inhalation of dust particles, including the inhalation of asbestos dust.

See also response to Interrogatory 60(m) and 60(n).

f) Following the purchase of certain assets at the Berlin plant, this defendant provided periodic chest x-ray examinations as part of the preventive health program. In 1971, this defendant began an even more comprehensive periodic health screening program which included other testing procedures and examinations by the plant physician, in addition to the chest x-ray. This procedure continues for present employees even though the

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company ceased the manufacture of asbestos-containing insulation products in 1972.

Following the purchase of certain assets from Unarco at Bloomington plant, this defendant conducted examinations of the plant population. Examinations are then offered annually to all active plant employees.

This defendant also participated in medical examination programs for insulators. In the 60's, this defendant participated in the Western States Asbestos Health Plan, Occupational Health Program. During the 70's, this defendant was involved in many attempts to set up medical examination programs for insulators. Attempts were made by this defendant through outside organizations and finally, this defendant retained medical personnel to examine all of its contracting employees. See generally 60's and 70's documents previously provided to plaintiff's counsel.

INTERROGATORY NO. 79: Did you direct to be performed, sponsor, finance, receive the results of or were you aware of any studies or tests performed by the Saranac Lake Laboratory of the Trudeau Foundation relating to asbestos exposure and its effects upon human life? If so, identify:

- (a) All documents summarizing findings or results of those studies or tests which you have in your possession or control;
- (b) All communications, oral or written, between answering defendant and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;
- (c) All documents relating to Saranac studies received or submitted by you either directly, through associated or predecessor companies, through other companies, or through any trade associations, organizations or other entities;
- (d) All recommendations or findings of such studies relating to:
 - (1) Adequacy or inadequacy of threshold limit values;
 - (2) Substitution of materials other than asbestos to be used in the insulation process.

(e) Where documents and/or communications identified in answers to (a)-(d) of this interrogatory are maintained.

ANSWER:

a-e) See response to Interrogatory 71.

INTERROGATORY NO. 80: How many employees of answering defendant are known by defendant to be suffering from, have suffered from or whose deaths have been caused by asbestosis? State the date such disease of any employee was first known by defendant.

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. A search of this defendant's files has failed to locate information indicating that this defendant received notice of the claims at or about the time the claims were filed. The first record of a specific claim that was found in the files of this defendant was in late 1966, and this claim did not involve an employee of this defendant.

INTERROGATORY NO. 81: How many employees of answering defendant are known by defendant to be suffering from, have suffered from or whose deaths have been caused by lung cancer? State the date such disease of any employees was first known by defendant.

ANSWER:

Unknown. See response to Interrogatory 80.

INTERROGATORY NO. 82: How many employees of answering defendant are known by defendant to be suffering from, have suffered from or whose deaths have been caused by mesothelioma? State the date such disease of any employee was first known by defendant.

ANSWER:

CTL ROYSTER, VOGLER
& ALLEN
INCORPORATION
ATTORNEYS AT LAW
224 ST. LOUIS STREET
SPRINGFIELD, ILLINOIS 62762
TELEPHONE 526-4444

Unknown. See response to Interrogatory 80.

INTERROGATORY NO. 83: Do you send or have you at any time sent counsel or other representatives to courses at defending asbestos cases? If so, identify.

ANSWER:

Objection; irrelevant and not calculated to lead to discovery of admissible evidence.

INTERROGATORY NO. 84: Identify all expert witnesses who have testified in other cases, pending or otherwise, on behalf of answering defendant.

ANSWER:

Defendant objects to this interrogatory on the basis that the information requested is overly broad and unduly burdensome in scope, that it requests information that is irrelevant and immaterial to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the discovery of such information gathered in the course of and in pursuit of pending litigation for the reason that such information is protected by the attorney work product and/or attorney/client privilege. Finally, the information sought is a matter of public record and is, therefore, as accessible to the plaintiff as it is to these defendants.

INTERROGATORY NO. 85: Identify all present or former employees or answering defendant, other than plaintiffs, who have testified against this defendant in a litigation matter or before a governmental agency or unit.

ANSWER:

None to the present knowledge of this defendant.

INTERROGATORY NO. 86: With respect to your answers to Interrogatories No. 84 and 85, identify all documents, including but not limited to

transcripts or notes of testimony employed by or resulting from the testimony of such expert witnesses or employees.

ANSWER:

See answers to Interrogatories No. 84 and 85.

INTERROGATORY NO. 87: Identify:

- (a) Any expert whom you intend to call as a witness or otherwise utilize in connection with this litigation;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify;
- (d) A summary of the grounds for each opinion;
- (e) The address of such person and his field or expertise;
- (f) Identify and produce each treatise, article or text upon whether the expert will rely in his testimony.

ANSWER:

Expert witnesses have not yet been determined. Trial preparation continues.

INTERROGATORY NO. 88: Identify and produce all board meeting minutes at which asbestos products, the hazards of asbestos exposure, the possible application of warning labels on asbestos containing products were discussed by the Board of Directors of your company.

ANSWER:

None.

INTERROGATORY NO. 89: Please identify by name, address and phone number each person who has provided this answering party with statements in connection with this litigation.

ANSWER:

None, other than those people identified in these answers.

INTERROGATORY NO. 90: Please identify each person who has been interviewed in the course of preparing for the trial of this matter.

ANSWER:

None, other than those people identified in these answers.

INTERROGATORY NO. 91: Has this Defendant ever sold any asbestos containing products to Insulation and Material Company of St. Louis, Missouri or any other individual, corporation, partnership or other business entities within a 100 mile radius of Madison County, Illinois since 1920 including but not limited to St. Louis County, St. Louis City, St. Charles County, Missouri or Madison County or St. Clair County, Illinois, if so state:

- (a) List all individuals, corporations, partnerships or other business entities you have sold asbestos containing products to;
- (b) State all dates when asbestos containing products were sold to these entities;
- (c) State what asbestos containing products were sold to these entities and identify by brand name;
- (d) State what quantity of asbestos products were sold to these entities;
- (e) Provide copies of all purchase orders, specifications, contracts or correspondence with the entities identified in (a) above or otherwise identify all documents relating to the sale.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is irrelevant and not calculated to lead to the discovery of admissible evidence. In an effort to be responsive, however, upon receipt of a list of plaintiff's employers and/or jobsites with their city and state locations as well as the actual years of employment, defendant will review its sales records and respond accordingly.

INTERROGATORY NO. 92: Have you ever sold any asbestos containing products to:

W. ROYSTER, VOGLER
& ALLEN
CORPORATION
KEYS AT LAW
101 N. LOUIS STREET
SPRINGFIELD, ILLINOIS 62761
PHONE 526-4646

Monsanto, East St. Louis, Illinois
Marathon Oil Refinery, Robinson, Illinois
Shell Oil Company Refinery, Roxana, Illinois
Amoco Refinery, Wood River, Illinois
Clark Oil Company Refinery, Hartford, Illinois
Granite City Steel, Granite City, Illinois
Illinois Power Company (Alton Powerhouse)
Central Illinois Power Service (Coffeen Powerhouse)
Commonwealth Edison (Kinkaid Powerhouse)
Illinois Power Company (Portage Des Sioux Powerhouse)
Central Illinois Power Service (Meredosia Powerhouse)
Illinois Power Company (Grant Ford Powerhouse)
Owens-Illinois Glass Co., Alton, Illinois
Central Illinois Power Service (Baldwin Powerhouse)
Central Illinois Power Service (Pearle Powerhouse)
Central Illinois Power Service (Marion Powerhouse)
Central Illinois Power Service (Newton Powerhouse)
Texaco Oil Company Refinery, Lawrenceville, Illinois
American Steel, Granite City, Illinois
Cerro Copper, Granite City, Illinois
Consolidated Aluminum Company, Granite City, Illinois
Olin Corporation, East Alton, Illinois
Laclede Steel Company, Alton, Illinois
Sinclair Oil Refinery, Hartford, Illinois
Apex Oil Refinery, Hartford, Illinois

and if so:

- (a) List all individuals, corporations, partnerships, or other business entities you have sold asbestos containing products to.
- (b) State all dates when asbestos containing products were sold to these entities.
- (c) State what asbestos containing products were sold to these entities and identify by brand name.
- (d) State what quantity of asbestos containing products were sold to these entities.
- (e) Provide copies of all purchase orders, specifications, contracts or correspondence with the entities identified in (a) above or otherwise identify all documents relating to the sale.

ANSWER:

See response to No. 91.

INTERROGATORY NO. 93: Has this Defendant ever been a General

Contractor or Subcontractor where it used asbestos containing products at any of the following locations:

Monsanto, East St. Louis, Illinois
Marathon Oil Refinery, Robinson, Illinois
Shell Oil Company Refinery, Roxana, Illinois
Amoco Refinery, Wood River, Illinois
Clark Oil Company Refinery, Hartford, Illinois
Granite City Steel, Granite City, Illinois
Illinois Power Company (Alton Powerhouse)
Central Illinois Power Service (Coffeen Powerhouse)
Commonwealth Edison (Kinkaid Powerhouse)
Illinois Power Company (Portage Des Sioux Powerhouse)
Central Illinois Power Service (Maredosia Powerhouse)
Illinois Power Company (Grant Ford Powerhouse)
Owens-Illinois Glass Co., Alton, Illinois
Central Illinois Power Service (Baldwin Powerhouse)
Central Illinois Power Service (Pearle Powerhouse)
Central Illinois Power Service (Marion Powerhouse)
Central Illinois Power Service (Newton Powerhouse)
Texaco Oil Company Refinery, Lawrenceville, Illinois
American Steel, Granite City, Illinois
Cerro Copper, Granite City, Illinois
Consolidated Aluminum Company, Granite City, Illinois
Olin Corporation, East Alton, Illinois
Laclede Steel Company, Alton, Illinois
Sinclair Oil Refinery, Hartford, Illinois
Apex Oil Refinery, Hartford, Illinois

and if so:

- (a) List all individuals, corporations, partnerships, or other business entities you have sold asbestos containing products to.
- (b) State all dates when asbestos containing products were sold to these entities.
- (c) State what asbestos containing products were sold to these entities and identify by brand name.
- (d) State what quantity of asbestos containing products were sold to these entities.
- (e) Provide copies of all purchase orders, specifications, contracts or correspondence with the entities identified in (a) above or otherwise identify all documents relating to the sale.

ANSWER:

See response to No. 91.

INTERROGATORY NO. 94: Did this defendant ever provide any warning

concerning the hazards of asbestos to any of the following companies:

Monsanto, East St. Louis, Illinois

L. ROYSTER, VOELKER
& ALLEN
AL CORPORATION
KEYS AT LAW
224 ST. LOUIS STREET
OSVILLE, ILLINOIS 62051
MIN 858-1610

Marathon Oil Refinery, Robinson, Illinois
Shell Oil Company Refinery, Roxana, Illinois
Amoco Refinery, Wood River, Illinois
Clark Oil Company Refinery, Hartford, Illinois
Granite City Steel, Granite City, Illinois
Illinois Power Company (Alton Powerhouse)
Central Illinois Power Service (Coffeen Powerhouse)
Commonwealth Edison (Kinkaid Powerhouse)
Illinois Power Company (Portage Des Sioux Powerhouse)
Central Illinois Power Service (Meredosia Powerhouse)
Illinois Power Company (Grant Ford Powerhouse)
Owens-Illinois Glass Co., Alton, Illinois
Central Illinois Power Service (Baldwin Powerhouse)
Central Illinois Power Service (Pearle Powerhouse)
Central Illinois Power Service (Marion Powerhouse)
Central Illinois Power Service (Newton Powerhouse)
Texaco Oil Company Refinery, Lawrenceville, Illinois
American Steel, Granite City, Illinois
Cerro Copper, Granite City, Illinois
Consolidated Aluminum Company, Granite City, Illinois
Olin Corporation, East Alton, Illinois
Laclede Steel Company, Alton, Illinois
Sinclair Oil Refinery, Hartford, Illinois
Apex Oil Refinery, Hartford, Illinois

If so, identify what the warning was, how the warning was delivered and when the warning was delivered. Provide copy of warning and correspondence concerning the warning.

ANSWER:

Unknown. See response to No. 91.

INTERROGATORY NO. 95: Has this Defendant ever had any correspondence with any of the following companies or facilities concerning products containing asbestos:

Monsanto, East St. Louis, Illinois
Marathon Oil Refinery, Robinson, Illinois
Shell Oil Company Refinery, Roxana, Illinois
Amoco Refinery, Wood River, Illinois
Clark Oil Company Refinery, Hartford, Illinois
Granite City Steel, Granite City, Illinois
Illinois Power Company (Alton Powerhouse)
Central Illinois Power Service (Coffeen Powerhouse)
Commonwealth Edison (Kinkaid Powerhouse)
Illinois Power Company (Portage Des Sioux Powerhouse)
Central Illinois Power Service (Meredosia Powerhouse)
Illinois Power Company (Grant Ford Powerhouse)

CYR, ROYSTER, VOGLER
& ALLEN
PROFESSIONAL CORPORATION
KEYS AT LAW
... LOUIS STREET
HARROSVILLE, ILLINOIS 62023
TELE 656-4646

Owens-Illinois Glass Co., Alton, Illinois
Central Illinois Power Service (Baldwin Powerhouse)
Central Illinois Power Service (Pearle Powerhouse)
Central Illinois Power Service (Marion Powerhouse)
Central Illinois Power Service (Newton Powerhouse)
Texaco Oil Company Refinery, Lawrenceville, Illinois
American Steel, Granite City, Illinois
Carro Copper, Granite City, Illinois
Consolidated Aluminum Company, Granite City, Illinois
Olin Corporation, East Alton, Illinois
Laclede Steel Company, Alton, Illinois
Sinclair Oil Refinery, Hartford, Illinois
Apex Oil Refinery, Hartford, Illinois

If so, provide copy of any correspondence with any of the above companies concerning asbestos containing products.

ANSWER:

See response to No. 94.

OWENS-CORNING FIBERGLAS CORPORATION,
Defendant

By:

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PROOF OF SERVICE

THE UNDERSIGNED certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope with postage prepaid, and by depositing said envelope in a United States Post Office mail box in Edwardsville, Illinois on _____, 1987 addressed to such attorneys at their business address as disclosed by the pleadings of record herein.

BY: _____
HEYL, ROYSTER, VOELKER & ALLEN

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PHONE 526-4646

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF LUCAS)

C. DUANE CALLENDER, being duly sworn, deposes and says that he is Senior Counsel - Litigation for OWENS-CORNING FIBERGLAS CORPORATION and that he verifies the foregoing answers to plaintiffs' Interrogatories for and on behalf of OWENS-CORNING FIBERGLAS CORPORATION and is duly authorized so to do; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of OWENS-CORNING FIBERGLAS CORPORATION and deponent is informed that the facts stated therein are true.

C. Duane Callender
C. DUANE CALLENDER

SWORN to and subscribed before me this 16th day of July, 1987.

Patricia A. Christy
Notary Public

My Commission expires:

PATRICIA A. CHRISTY
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JAN. 28, 1991