FILE NAME: DuPont (DUP)

DATE: 0000

DOC#: DUP309

DOCUMENT DESCRIPTION: Exhibit D - DuPont Supplemental Responses to Standard Interrogatories

FY-2310 REV. 7-66

E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED

FABRICS & FINISHES DEPARTMENT

CC: R. S. Diem, Mar. Lab.

Marshall R & D Laboratory
April 4, 1973

E. E. SWAIN, JR.
B-2373
WILMINGTON

65-LINE PREPARAKOT E®
SANDING DUST

Attached is a summary of the experiments I performed to determine the amount of airborne asbestos in sanding dust from 65-Line Preparakote®.

The level, in general, is within 1976 OSHA standards for asbestos (2 fibers/ml longer than 5 microns - time weighted average). Unanswered still are:

- The amount of encapsulated asbestos in the respirable dust
- The effect of the encapsulated asbestos on the lung tissue.

I do not know how to determine the amount encapsulated - one guess - would put the maximum as the proportion of talc and asbestos in the paint solids. However, the amount is going to be less than that since we do not count fibers less than 5 microns in length and a significant portion of the respirable dust would be less than 5 microns in diameter.

If we can be of further help, please contact me.

PROCESS CHEMISTRY SECTION
MANUFACTURING SUPPORT GROUP

Thomas Nelson
THOMAS J. NELSON

TJN:jp
4/4/73
ATTACH.

DBY0011145

SUMMARY SANDING SAMPLES

#1 – Taken at refinish training center while operator sanding fender.

Asbestos – 2.3 fibers/ml* (7 fibers/100 fields)

#2 – Taken while sanding panels laying flat on bench top. Filter was 6 inches to the side and 2 inches up from bench. 80% of dust particles flowed below filter.

Asbestos – 1.6 fibers/ml. (2 fibers/50 fields)

#3 – Taken while sanding on bench top. Filter 3–4 inches above sander.

Asbestos – 3.2 fibers/ml* (3 fibers/50 fields)

*NOTE: 1976 OSHA limit is 2 fibers/ml., in sample #1 – 6 hours sanding at this level would meet the 2 fiber limit and #3 – 5 hours. Sample #3 was probably higher in dust than operator would receive since the sample was close to source. In both cases – sanding for longer than 5 hours would be unlikely in a refinish shop.

EXHIBIT D



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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN RE: COMPLEX ASBESTOS LITIGATION

Case No. 828684

E.I. DU PONT DE NEMOURS AND COMPANY'S SUPPLEMENTAL RESPONSES TO STANDARD INTERROGATORIES PURSUANT TO GENERAL ORDER 129

PREFACE

General Order 129 provides that responses are to be made "without objection except for the assertion of a claim of privilege." This shall not be construed as a waiver of any objection which would be applicable to any interrogatory. We reserve the right to make any and all such objections at trial, or in any other proceeding. DuPont specifically objects to the extent the interrogatories are vague and ambiguous and call for information protected by the attorney-client, work-product or trade secret privilege. E. I. Du Pont de Nemours and Company responds to this discovery with respect to itself, and not with respect to any entities which may be legally separate and distinct. The following responses are being provided in connection with a meet and confer agreement with plaintiffs' counsel to provide information in response to Interrogatory No. 31 regarding automotive refinishing products with respect to the 1952-1984 time period.

Defendant's review of its files and records is continuing, as is discovery. Defendant reserves the right but undertakes no duty to make changes in its responses or to present new and additional information at trial or any other proceeding. Notwithstanding and without waiving any objections, defendant responds:

Interrogatory No. 31:

If your answer to any subpart of Interrogatory No. 31 regarding "ASBESTOS-CONTAINING PRODUCTS" is in the affirmative, state:

A. The trade, brand name, and/or generic name of each such ASBESTOS-CONTAINING PRODUCT MARKETED in any form or quantity between 1930 and 1985;

B. The date(s) each such ASBESTOS-CONTAINING PRODUCT was first placed on the market, including the date(s) each such ASBESTOS-CONTAINING PRODUCT was first MARKETED;

1. On an experimental basis;

2. On a test basis; or

3. For sale.

C. The date(s) each such ASBESTOS-CONTAINING PRODUCT:

1. Ceased to be produced; or

2. Was recalled from the market, if ever.

D. A detailed description of the chemical composition of each such ASBESTOS-CONTAINING PRODUCT, including the type and/or grade of asbestos and/or asbestos fiber contained in each such product and the quantitative percentages of asbestos or asbestos fiber in each such product, and all nonasbestos components of the ASBESTOS-CONTAINING PRODUCT, and if the chemical composition changed over time, the inclusive dates of each formulation;

E. A description of the physical appearance and nature of each such ASBESTOS-CONTAINING PRODUCT, including any color coding, distinctive marking and/or logo, either on the product or on the packaging;

F. A detailed description of the intended use of each such ASBESTOS-CONTAINING PRODUCT, including any temperature limits for each such use;

G. Whether any such ASBESTOS-CONTAINING PRODUCT was on the U.S. Government's "Qualified Products List," and if so, the inclusive dates it was on such list;

H. The name and address of the supplier of the RAW ASBESTOS used in each such product and the time period of such supply;

I. Whether any of THIS DEFENDANT's RAW ASBESTOS OR ASBESTOS-CONTAINING PRODUCTS have, at any time, been sold, shipped, or otherwise distributed to any COMPANY (including power company or utility), governmental agency or entity, shipyard, distributor, refinery, contractor, supplier, manufacturer, PREMISE owner or occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA. If so, state:

1. The names of each such COMPANY, governmental agency or entity, shipyard, distributor, supplier, manufacturer, refinery, contractor, PREMISE owner or occupant, ship owner, PREMISE or site;

2. The inclusive dates of each such sale, shipment, distribution, use or installation and the amount (volume) and the trade or brand name of each such ASBESTOS-CONTAINING PRODUCT sold;

3. Whether you have any records indicating any such sale, shipment, distribution, use or installation and, if so, the name, address and job classification of each person who currently has possession of such records.

J. Either (1) attach all DOCUMENTS evidencing the information sought in this Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they may be made the subject of a request for production of documents.

Response to Interrogatory No. 31:

Defendant incorporates herein the above Preface. Without waiving any objections, based on current investigation regarding automotive refinish products from 1952 to 1984, and responding as to all of DuPont:

A. DuPont's investigation to date indicates that its automotive refinish products did not contain asbestos as an ingredient. Available documents (DUP 0903179-0903180 and DUP 0903196) indicate, however, that in April 1973, when sanded, the primer product known as 65-Line Preparakote released dust which may have contained a trace amount of asbestos fiber present as a naturally occurring contaminant of the talc contained in the product. DuPont has not located any information that its Preparakote primer product released asbestos fiber at any other time in its existence, or in any other formulation. Discovery is continuing.

B. The Preparakote line was first marketed in 1938. DuPont currently has no information regarding when 65-Line Preparakote was first marketed. Discovery is continuing.

C. DuPont currently has no information regarding the formulation of the 65-Line Preparakote that was tested in April 1973, the results of which are described in the documents referenced in subpart A above. Preparakote primers continued to be manufactured throughout the time period at issue. Discovery is continuing.

D. With respect to the Preparakote product tested and referenced in subpart A, above, DuPont currently has not located any information of the type requested by this subpart D, other than the information that is provided by the referenced documents. The Preparakote line was generally a synthetic type line of primer-surfacers. Discovery is continuing.

E. Preparakote was generally a synthetic type line of primer-surfacer available in quart and gallon cans bearing the DuPont name and trademark. 65-Line Preparakote may also have been sold in dip tanks. For at least some portion of the time, and for at least some Preparakote products, the product was red

oxide/rust-colored. DuPont does not currently have information as to whether this was true regarding 65-Line Preparakote, and whether this was true during the entire relevant period. DuPont currently has no other information regarding the physical appearance of this product during the relevant time period. Discovery is continuing.

F. The Preparakote line was generally a synthetic type line of primer-surfacer for use under Lucite and Dulux finishes, for finishing and refinishing automobiles and commercial vehicles. DuPont has not been able to locate information regarding temperature limits for this line. Discovery is continuing.

G. To DuPont's knowledge, 65-Line Preparakote was not on the U.S. Government's "Qualified Products List."

H. DuPont did not purchase RAW ASBESTOS for use in 65-Line Preparakote, and therefore this interrogatory is not applicable.

I. DuPont does not have information responsive to this interrogatory regarding 65-Line Preparakote during 1973 or during the relevant time period. DuPont does not have information responsive to this interrogatory regarding the Preparakote line generally during the relevant time period. 65-Line Preparakote was presumably sold, shipped, or otherwise distributed as part of DuPont's automotive refinishing products to various distributors, but DuPont does not have any sales records from the relevant time period.

J. Documents regarding 65-Line Preparakote have been produced as part of DuPont's corporate collection of documents as DUP 0903179-0903180 (4/4/73 memo from Thomas Nelson to E.E. Swain, Jr.) and DUP 0903196 (memo from E.E. Swain to J.A. Zapp, Jr.). Discovery is continuing.

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Dated: August 6, 2010

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN RE: COMPLEX ASBESTOS LITIGATION	E.I. DU PONT DE NEMOURS AND COMPANY'S SUPPLEMENTAL RESPONSES TO STANDARD INTERROGATORIES PURSUANT TO GENERAL ORDER 129

VERIFICATION

STATE OF DELAWARE)
) SS:
COUNTY OF NEW CASTLE)

I, Daniel P. McAvoy, hereby certify the following:

(1) I am Assistant Secretary of E. I. du Pont de Nemours and Company, a corporation,

(2) I am authorized to execute this verification on behalf of E. I. du Pont de Nemours and Company.

(3) that the facts stated in the foregoing Defendant E. I. du Pont de Nemours and Company's Supplemental Responses to Standard Interrogatories Pursuant to General Order 129 have been assembled by authorized employees and the attorneys of E. I. du Pont de Nemours and Company,

Docket No. 828684

PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I, Beverly Carter, the undersigned, declare:

1. I am, and was at the time of service of the documents herein referred to, over the age of 18 years, and not a party to the action;

2. I am employed in the County of Contra Costa, California;

3. My business address is One Walnut Creek Center, 100 Pringle Avenue, Suite 500, Walnut Creek, CA 94596.

4. On the date executed below, I electronically served the document via LexisNexis File & Serve described as:

E.I. DU PONT DE NEMOURS AND COMPANY'S SUPPLEMENTAL RESPONSES TO STANDARD INTERROGATORIES PURSUANT TO GENERAL ORDER 129

on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve website.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on this 6th day of August, 2010 at Walnut Creek, California.

Beverly Carter