

INTERROGATORY NO. 63: Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

RESPONSE:

See General Objections Nos. 1-8. Union Carbide further objects to this Interrogatory on the ground that it is overly broad. Subject to its objections, Union Carbide responds as follows:

Despite the unique nature of the Calidria fiber, which did not pose the health risks that might be created by asbestos from other deposits, Union Carbide advised its customers, many of whom had years of experience in handling asbestos from other suppliers and other minerals and chemicals, of the health effects and precautions applicable to asbestos fibers throughout the time that it mined and sold asbestos. Health and safety information was shared in a number of different ways including, distribution by mail and in person, through customer mailings, meetings, seminars and sales calls where asbestos toxicology was frequently discussed.

Union Carbide typically sold asbestos in bags which carried a warning label beginning in 1968, four years before the Federal OSHA standards were promulgated to require a warning. In 1972, when after months of extensive hearings OSHA mandated specific language for inclusion on the warning label, Union Carbide followed the regulation and modified the warning label on asbestos bags to include the precise language set out in the OSHA regulations.

Union Carbide prepared booklets and other written information for its customers containing information related to specific applications. These written materials contained specific information on asbestos health hazard and safety issues, regulatory requirements, air monitoring results and other pertinent items. In 1964, Union Carbide prepared an Asbestos Toxicology Report, which provided comprehensive information about the potential health risks of asbestos. This Asbestos Toxicology Report was updated with the 1969 Asbestos Toxicology Report and the Mid-1970 and 1972 Toxicology summaries. The initial report and its updates were prepared to keep customers current with evolving medical knowledge about health and safety issues relating to asbestos, and were distributed by mail and in face-to-face meetings to many of Union Carbide's asbestos customers, many of whom were sophisticated companies familiar with the use and handling of asbestos. The original Asbestos Toxicology Report notes that workers exposed to high concentrations of asbestos dust were prone to develop asbestosis, and further states that control of asbestos dust was necessary. The report recommends several control methods, including the use of pre-employment and periodic physical examinations for workers who might be exposed to respirable asbestos fibers, the use of wet processes, adequate exhaust ventilation, and the wearing of respirators. The report also warned that asbestos dust at the then-prevailing Threshold Limit Value of 5 million particles per cubic foot of air was generally not visible in the average work area. Union Carbide assumed that Calidria was as potentially hazardous, if safe practices were not observed, as other chrysotile asbestos and advised its customers to treat its Calidria asbestos as such.