

PLAINTIFF'S EXHIBIT

KG-125

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BRANTON PURCELL
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

IN RE: SAN FRANCISCO COUNTY
 COMPLEX ASBESTOS LITIGATION

No. 828684

VERIF

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KAISER GYPSUM COMPANY,
 INC.'S FIRST UPDATED
 RESPONSES TO PLAINTIFFS'
 STANDARD INTERROGATORIES
 TO DEFENDANTS

PROPOUNDING PARTY: Plaintiffs

RESPONDING PARTY: Defendant KAISER GYPSUM COMPANY, INC.

SET: Standard

DATE: July 30, 1999

COMES NOW defendant KAISER GYPSUM COMPANY, INC. (hereinafter
 "KAISER GYPSUM") and provides the following First Updated Responses to Plaintiffs'
 Standard Interrogatories To All Defendants propounded pursuant to San Francisco
 County Complex Asbestos Litigation General Order No. 129:

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KAISER GYPSUM'S PRELIMINARY STATEMENT

KAISER GYPSUM submits this preliminary statement to memorialize certain steps taken to implement the standard discovery regime adopted pursuant to the revised General Orders filed November 15, 1996, governing asbestos-related personal injury and wrongful death cases filed in San Francisco Superior Court. Under the terms of General Order No. 129, all defendants must respond to the Plaintiffs' Standard Interrogatories To All Defendants without objection, even where those interrogatories appear objectionable under the rules defined by California statutes and appellate precedent. The General Orders do contemplate that plaintiffs' counsel must meet and confer with defendants and consider a specific defendant's concerns with the standard interrogatories as applied to that defendant's factual and litigation circumstances. In KAISER GYPSUM's case, that process proved sufficiently successful that KAISER GYPSUM did not believe it necessary to file a motion seeking judicial relief from the burdensomeness that would arise in KAISER GYPSUM's circumstances from responding to the literal terms of the discovery.

The meet and confer process was structured pursuant to an April 24, 1997, letter circulated by plaintiffs' counsel. In accordance with that procedure, KAISER GYPSUM held a meet and confer session with certain plaintiffs' counsel on May 15, 1997, as contemplated by their April 24, 1997, letter. During that session agreements were reached on interpretations of numerous specific provisions of the subject standard interrogatories, which have since been concurred in by plaintiffs' counsel that did not attend the May 15, 1997, meeting. KAISER GYPSUM's non-pursuit of its burdensomeness objections remains contingent on continued realization of the agreements reached at the May 15, 1997, meeting.

KAISER GYPSUM also stated other objections to the subject Plaintiffs' Standard Interrogatories during the course of the proceedings leading to their adoption. Those objections concerned both the concept of using standard interrogatories for discovery unrelated to the resolution of cases or controversies before the Court, objections to the

1 procedures underlying the development and adoption of the standard interrogatories, and
2 objections to specific aspects of the standard interrogatories on grounds other than
3 burdensomeness, all of which objections were either accepted or implicitly rejected
4 through adoption of the final standard interrogatories. KAISER GYPSUM hereby makes
5 express on the record that by serving its Responses to Plaintiffs' Standard Interrogatories
6 To All Defendants, KAISER GYPSUM neither intends to nor does it waive its rights to
7 press those objections at an appropriate future opportunity, both in the context of specific
8 cases before the Superior Court and on appellate review.

9 KAISER GYPSUM objects to Plaintiffs' Standard Interrogatories To All
10 Defendants to the extent that they call for information protected by the attorney-client
11 privilege or work-product doctrine.

12 This Preliminary Statement and the objections contained herein are incorporated
13 into each of the responses set below.

14 **KAISER GYPSUM'S RESPONSES TO INTERROGATORIES**

15 KAISER GYPSUM has not manufactured or marketed any products which
16 contained asbestos as a component since 1976. Accordingly, KAISER GYPSUM's
17 Responses to Plaintiffs' Standard Interrogatories are based almost entirely on its ongoing
18 review of documents presently available to The Company. These interrogatory responses
19 reflect KAISER GYPSUM's knowledge at this time and supersede any previous
20 interrogatory answers. KAISER GYPSUM reserves the right to further supplement these
21 responses in the event that more complete or accurate information becomes available.

22 **RESPONSE TO INTERROGATORY NO. 1:**

23 Joseph R. Hobby, Vice President, 2680 Bishop Drive, Suite 225, San Ramon,
24 California 94583.

25 **RESPONSE TO INTERROGATORY NO. 2:**

26 12/19/80-3/12/87: Assistant Director, Labor Relations,
27 Industrial Relations Department

28 3/13/87-11/30/95: Administrative Manager,
Industrial Relations Department

12/1/95-present: Vice President

RESPONSE TO INTERROGATORY NO. 3:

KAISER GYPSUM is a corporation.

A. KAISER GYPSUM COMPANY, INC.

B. Washington.

C. KAISER GYPSUM was organized in 1952. Specifically, on June 19, 1952, Permanente Cement Company (later known as Kaiser Cement Corporation) formed a wholly-owned subsidiary named KAISER GYPSUM COMPANY, a California Corporation.

On December 1, 1952, KAISER GYPSUM COMPANY was merged into Pacific Coast Cement Company, another subsidiary of Permanente Cement Company, and the name of the combined company was then changed to KAISER GYPSUM COMPANY, INC.

D. KAISER GYPSUM's principal place of business is located at 3000 Busch Road, Pleasanton, California 94566.

E. KAISER GYPSUM has held a certificate of authority to do business in California from 1952 to the present.

F. KAISER GYPSUM is a wholly owned subsidiary of Kaiser Cement Corporation, whose principal place of business is located at 3000 Busch Road, Pleasanton, California 94566.

G. 3000 Busch Road, Pleasanton, California 94566

RESPONSE TO INTERROGATORY NO. 4:

No.

RESPONSE TO INTERROGATORY NO. 5:

Not applicable.

RESPONSE TO INTERROGATORY NO. 6:

Not applicable.

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RESPONSE TO INTERROGATORY NO. 7:

Not applicable.

RESPONSE TO INTERROGATORY NO. 8:

Not applicable.

RESPONSE TO INTERROGATORY NO. 9:

Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon, California.

RESPONSE TO INTERROGATORY NO. 10:

A.-C. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon, California.

RESPONSE TO INTERROGATORY NO. 11:

KAISER GYPSUM has no knowledge that it ever employed a company "physician" or "medical director." During the early 1970's, Mr. A.J. Trommershausen, an industrial hygienist, who was not an employee of KAISER GYPSUM, was retained by KAISER GYPSUM as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with new U.S. Occupational Safety and Health Administration requirements.

RESPONSE TO INTERROGATORY NO. 12:

Melissa A. Youngman, former Secretary/Treasurer, was deposed on March 4 and 5, 1993, in the following cases: *Donald Breslin v. Abex, et al.*, San Francisco County Superior Court, Case No. 943928; *Coy Cossey v. Abex, et al.*, San Francisco County Superior Court, Case No. 920148; *Norma E. Olsen v. Abex, et al.*, San Francisco County Superior Court, Case No. 914594; and *Ray Parson v. Abex, et al.*, San Francisco County Superior Court, Case No. 944872. The court reporter was Tooker & Antz, 818 Mission Street, San Francisco, CA 94102. Plaintiff's attorney was Brayton, Harley and Curtis.

Joseph R. Hobby, Vice President of KAISER GYPSUM COMPANY, INC., was deposed in the following cases: *Leonard R Pacheco v Owens Corning, et al.*, State of Hawaii, Case No. 97-2517-06, Atkinson-Baker Court Reporters, 53rd Street, Suite 625, San Francisco, California 94103; *In Re Complex Asbestos Litigation*, San Francisco

1 Superior Court Case No. 828684, June 4, 1998, Tooker & Antz Court Reporters.

2 **RESPONSE TO INTERROGATORY NO. 13:**

3 A.-U. No.

4 V. KAISER GYPSUM was a member of the Gypsum Association. Further
5 details regarding this are unknown as discovery is ongoing.

6 W. KAISER GYPSUM is not aware that any one individual served as its
7 representative to the Gypsum Association.

8 **RESPONSE TO INTERROGATORY NO. 14:**

9 A. The precise dates of KAISER GYPSUM's membership in the Gypsum
10 Association are unknown. It is believed that such membership extended from the 1950's
11 to approximately 1977.

12 B. KAISER GYPSUM believes that it may have occasionally received
13 minutes of meetings and other informational literature from the Gypsum Association.

14 C. KAISER GYPSUM is currently unable to locate information regarding the
15 names of any committee or subcommittee of which it was a member, nor the dates of
16 such committee or subcommittee membership.

17 **RESPONSE TO INTERROGATORY NO. 15:**

18 A. KAISER GYPSUM has no knowledge that it ever received documents
19 containing results or conclusions of any such studies and/or tests prior to 1973.

20 **RESPONSE TO INTERROGATORY NO. 16:**

21 A. KAISER GYPSUM has no knowledge that it ever received copies or
22 portions of any such studies and/or tests prior to 1973. KAISER GYPSUM has never
23 been insured by Metropolitan Life Insurance Company.

24 **RESPONSE TO INTERROGATORY NO. 17:**

25 A. KAISER GYPSUM has no knowledge that it ever received documents
26 containing results or conclusions of the Saranac Laboratory studies or any such studies
27 conducted by any other laboratory prior to 1973.

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RESPONSE TO INTERROGATORY NO. 18:

A. KAISER GYPSUM has no knowledge that it ever maintained a library or other company-authorized collection of printed material on occupational disease or asbestos hazards prior to 1973.

RESPONSE TO INTERROGATORY NO. 19:

A.-B. During the early 1970's, Mr. A.J. Trommershausen, an industrial hygienist, was retained by KAISER GYPSUM as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with U.S. Occupational Safety and Health Administration requirements.

On December 27, 1971, KAISER GYPSUM's Commodity Purchasing Manager, R.W. Grigg (deceased), wrote to each of KAISER GYPSUM's raw asbestos suppliers. These inquiries included a request for information concerning precautions recommended for handling raw asbestos in KAISER GYPSUM's manufacturing facilities as well as for contractors using and applying asbestos-containing products.

In July 1973, KAISER GYPSUM personnel participated in an ad hoc committee formed by the Gypsum Association to consider the implications of 1972 Occupational Safety and Health Administration regulations with respect to the release of asbestos fibers during sanding and mixing of dry joint compounds. Tests were conducted on behalf of the committee to measure amounts of asbestos and siliceous dusts generated during mixing and sanding of joint compounds on typical jobs.

C. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon, California.

RESPONSE TO INTERROGATORY NO. 20:

No.

RESPONSE TO INTERROGATORY NO. 21:

A.-C. During the early 1970's, Mr. A.J. Trommershausen, an industrial hygienist, was retained by KAISER GYPSUM as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with U.S. Occupational Safety

1 and Health Administration requirements. Plant inspection and air sampling tests were
2 conducted at the following California plants: Antioch: 8/71; 4/72 and 7/72; Santa Ana:
3 9/71. The addresses of these plants were: Antioch Plant, Wilbur Avenue, Antioch,
4 California; Santa Ana Plant, 1302 Ritchey Street, Santa Ana, California.

5 D. KAISER GYPSUM believes that all such documents regarding its
6 Response to Interrogatory No. 21, ASBESTOS-CONTAINING, have been previously
7 provided to plaintiffs' attorneys.

8 E. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
9 California.

10 **RESPONSE TO INTERROGATORY NO. 22:**

11 A.-E. Other than the plant inspections described in its response to Interrogatory
12 No. 21, KAISER GYPSUM has conducted no such tests.

13 **RESPONSE TO INTERROGATORY NO. 23:**

14 No.

15 **RESPONSE TO INTERROGATORY NO. 24:**

16 Beginning in the early 1970's, KAISER GYPSUM began providing medical
17 examinations for those employees involved in the manufacture of asbestos-containing
18 products.

19 A. The examinations included chest x-rays and pulmonary function tests.

20 B. The examinations were mandatory for those employees involved in the
21 manufacture of asbestos-containing products.

22 C. Yes.

23 D. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
24 California.

25 **RESPONSE TO INTERROGATORY NO. 25:**

26 No.

27 **RESPONSE TO INTERROGATORY NO. 26:**

28 A.-D KAISER GYPSUM is insured under a number of general corporate

liability insurance policies that were issued by primary insurance carriers, including Truck Insurance Exchange, Fireman's Fund, The Home Insurance Company and National Union Insurance Company, which KAISER GYPSUM maintains provide coverage for personal injury claims. Certain policy terms and conditions are subject to disputes between KAISER GYPSUM and its carriers. KAISER GYPSUM also believes that it is insured under a number of excess liability insurance policies that were issued by a number of different insurance carriers, including some that may no longer be capable of responding to their obligations. The terms and conditions of these excess policies may be subject to dispute. KAISER GYPSUM has prepared a summary of insurance information in chart form which is attached hereto as Exhibit A.

KAISER GYPSUM will supplement this response in the event the circumstances in a particular case may make more detailed information on insurance policies of relevance, taking into account the carrier and dispute resolution status pertaining at that time.

RESPONSE TO INTERROGATORY NO. 27:

No.

RESPONSE TO INTERROGATORY NO. 28:

No.

RESPONSE TO INTERROGATORY NO. 29:

Not applicable.

RESPONSE TO INTERROGATORY NO. 30:

- A. See response to 30(E) and 30(G).
- B. No.
- C. See response to 30(E) and 30(G).
- D. See response to 30(E) and 30(G).
- E. Yes. 1952 to 1976
- F. See response to 30(E) and 30(G).
- G. Yes. 1952 to 1976

H. No.

RESPONSE TO INTERROGATORY NO. 31:

I. Kaiser Gypsum's Business: Gypsum Plaster, Gypsum Lath, and Gypsum Wallboard - No Asbestos Used

KAISER GYPSUM was organized by Henry J. Kaiser (1882-1967), the famous industrialist and World War II hero, in 1952 and terminated its United States sales and manufacturing in 1978. Between 1952 and 1978, KAISER GYPSUM's principal business consisted of manufacturing and marketing gypsum plaster, gypsum lath and gypsum wallboard. These products never contained asbestos. The word "gypsum" is derived from the Greek word "gypso," meaning chalk. Gypsum plaster is sometimes called Plaster of Paris. Gypsum occurs in nature in rock form, and is found in abundance in Baja California, Mexico.

A. Wallboard Joint Compounds - Asbestos Used As A Component

When the walls or ceilings of a room are made from gypsum wallboard, large pieces of wallboard are installed side by side, leaving small spaces where two pieces of wallboard meet. These spaces need to be filled so that they cannot be seen after the wall is painted or covered with wallpaper. The products used to perform that task are called joint compounds or joint finishing compounds. At the time of use, these joints compounds are thick putty or mud-like substances, which permits them to be pushed into the spaces and smoothed with a putty knife or spatula. Paper or cloth reinforcing tape is pushed into the joint compound to help prevent cracking as the joint compound dries. The joint compound dries to form a hard rock-like substance.

KAISER GYPSUM manufactured and marketed such wallboard joint compounds, and prior to the mid-1970's, these joint compounds contained a small percentage of chrysotile asbestos as a component. The purpose of the chrysotile asbestos component was to prevent cracks from forming as the joint compound dried. "Asbestos" is the Greek word for "incombustible," which refers to things that will not burn. Chrysotile is the most common form of asbestos used in products in the United States. Chrysotile is a

1 fibrous rock material derived from the rock "serpentine" which is very common in
2 California, where it is the "state rock."

3 These KAISER GYPSUM products were:

- 4 1. Joint Cement/Joint Compound
- 5 2. Finishing (Topping) Compound
- 6 3. 3-Purpose Wallboard Compound
- 7 4. One-Day Joint Compound
- 8 5. Pre-mix Joint Compound
- 9 6. Pre-mix Finishing Compound
- 10 7. Pre-mix Dual Purpose Joint Compound
- 11 8. Pre-mix Topping Compound
- 12 9. Laminating Compound

13 KAISER GYPSUM's separate responses to interrogatory subparts (a)-(f) for each
14 of these products are as follows:

15 1. Joint Cement/Joint Compound

16 a. The trade name of this product originally was Kaiser Joint Cement;
17 in about 1957 it was changed to Kaiser Joint Compound.

18 b. KAISER GYPSUM marketed Kaiser Joint Cement in 1952, but did
19 not itself manufacture all of the product sold. KAISER GYPSUM does not know
20 whether the non-manufactured product marketed in 1952 contained asbestos as a
21 component. KAISER GYPSUM began manufacturing Kaiser Joint Cement in 1952 or
22 1953, at which time chrysotile asbestos was used as a component.

23 c. KAISER GYPSUM last manufactured Kaiser Joint Compound
24 with chrysotile asbestos as a component in 1975.

25 d. The KAISER GYPSUM California plants that made this product
26 were located at Redwood City and Antioch. These plants were in operation at different
27 times. The product was manufactured at Redwood City from 1952 or 1953 to 1957 and
28 at Antioch from 1957 to 1975. Because of the heavy weight of the product, low profit

margin, and high transportation costs, distribution tended to center around the location of the manufacturing plant. The product consisted primarily of minerals including casein or polyvinyl, clay, talc, limestone, and mica. The product manufactured in KAISER GYPSUM's California plants included between 8% by weight and 16% by weight chrysotile asbestos as a component, depending on the formula in effect at a given date.

c. This product was a white to off-white powder. It was packaged and sold in sacks of 10 lbs. to 25 lbs., and in boxes of 5 and 18 lbs. Each container was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its use.

f. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nail heads and metal cornerbead.

2. Finishing (Topping) Compound

a. The trade name of this product was Kaiser Gypsum Finishing (Topping) Compound.

b. KAISER GYPSUM began manufacturing Finishing (Topping) Compound in 1955, and chrysotile asbestos was used as a component at that time.

c. KAISER GYPSUM last manufactured Finishing (Topping) Compound with chrysotile asbestos as a component in 1975.

d. The KAISER GYPSUM California plants that made this product were located at Redwood City and Antioch. These plants were in operation at different times. The product was manufactured at Redwood City from 1955 to 1957 and at Antioch from 1957 to 1975. Because of the heavy weight of the product, low profit margin, and high transportation costs, distribution tended to center around the location of the manufacturing plant. This product consisted primarily of minerals including casein or polyvinyl, clay, talc, limestone, and mica. The product included between 5.3% by weight and 16% by weight chrysotile asbestos as a component, depending on the formula in

1 effect at a given time.

2 e. This product was a white to off-white powder. It was packaged
3 and sold in sacks of 25 lbs. Each container was labeled with the name of the
4 manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and
5 instructions for its use.

6 f. This product was a dry powder which, when mixed with water,
7 formed a thick paste. Upon application it dried to a hard, durable surface. It was used to
8 top and finish gypsum wallboard joints.

9 3. 3-Purpose Wallboard Compound

10 a. The trade name of this product was Kaiser Gypsum 3-Purpose
11 Wallboard Compound.

12 b. KAISER GYPSUM began manufacturing 3-Purpose Wallboard
13 Compound in 1968, and chrysotile asbestos was used as a component at that time.

14 c. KAISER GYPSUM last manufactured 3-Purpose Wallboard
15 Compound with chrysotile asbestos as a component in 1975.

16 d. The KAISER GYPSUM California plant that made this product
17 was located at Antioch. Because of the heavy weight of this product, low profit margin,
18 and high transportation costs, distribution tended to center around the location of the
19 manufacturing plant. This product consisted primarily of minerals including casein or
20 polyvinyl, clay, talc, limestone, and mica. The product included between 5.1% by weight
21 and 14.2% by weight chrysotile asbestos as a component, depending on the formula in
22 use at the time

23 e. The product was a white to off-white powder. It was packaged and
24 sold in sacks of 25 lbs. Each sack was labeled with the name of the manufacturer,
25 KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its
26 use.

27 f. This product was a dry powder which, when mixed with water,
28 formed a thick paste. Upon application it dried to a hard, durable surface. It was used to

tape, top and finish gypsum wallboard joints, nailheads, and metal cornerbead.

4. One-Day Joint Compound

a. The trade name of this product was Kaiser Gypsum One-Day Joint Compound Powder.

b. KAISER GYPSUM last manufactured One Day Joint Compound Powder in 1968, and chrysotile asbestos was used as a component at that time.

c. KAISER GYPSUM last manufactured One Day Joint Compound Powder with chrysotile asbestos as a component in 1975.

d. The KAISER GYPSUM California plants that made this product were located at Santa Ana and Antioch. Because of the heavy weight of the product, low profit margin, and high transportation costs, distribution tended to center around the location of the manufacturing plant. The product consisted primarily of casein limestone, and mica. The product included 3.4% by weight chrysotile asbestos as a component.

e. This product was a white to off-white powder. It was packaged and sold in sacks of 25 lbs. Each sack was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its use.

f. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nailhead and metal cornerbead.

5. Pre-Mix Joint Compound

a. The trade name of this product was Kaiser Gypsum Pre-Mix Joint Compound.

b. KAISER GYPSUM began manufacturing Pre-Mix Joint Compound in 1959, and chrysotile asbestos was used as a component at that time.

c. KAISER GYPSUM last manufactured Pre-Mix Joint Compound with chrysotile asbestos as a component in 1962.

1 d. The KAISER GYPSUM California plant that made this product
2 was located at Long Beach. Because of the heavy weight of the product, low profit
3 margin, and high transportation cost, distribution tended to center around the location of
4 the manufacturing plant. This product consisted primarily of minerals including casein or
5 polyvinyl, clay, talc, limestone, and mica. The product included chrysotile asbestos as a
6 component. The percentage presently is unknown. Investigation is continuing.

7 e. This product was a white to off-white colored paste. It was
8 packaged and sold in cans of 4 or 5 gallons and in cartons of 5 gallons. Each container
9 was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC.,
10 the name of the product, and directions for its use.

11 f. This product was a thick paste-like material which, upon
12 application, dried to a hard, durable surface. It was used to fill gypsum wallboard joints,
13 embed joint reinforcing tape, finish joints, and to cover and finish nailheads and
14 cornerbead.

15 6. Pre-Mix Finishing Compound

16 a. The trade name of this product was Kaiser Gypsum Pre-Mix
17 Finishing Compound.

18 b. KAISER GYPSUM began manufacturing Pre-Mix Finishing
19 Compound in 1959, and chrysotile asbestos was used as a component at that time.

20 c. KAISER GYPSUM last manufactured Pre-Mix Finishing
21 Compound with chrysotile asbestos as a component in 1962.

22 d. The KAISER GYPSUM California plant that made this product
23 was located at Long Beach. Because of the heavy weight of this product, low profit
24 margin, and high transportation cost, distribution tended to center around the location of
25 the manufacturing plant. This product consisted primarily of minerals including casein or
26 polyvinyl, clay, talc, limestone, and mica. The product included chrysotile asbestos as a
27 component. The percentage presently is unknown. Investigation is continuing.

28 e This product was a white to off-white colored paste. It was

1 packaged and sold in cans of 4 or 5 gallons and in cartons of 5 gallons. Each container
2 was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC.,
3 the name of the product, and directions for its use.

4 g. This product was a thick paste-like material which, upon
5 application, dried to a hard, durable surface. It was used to finish gypsum wallboard
6 joints and to cover and finish nailheads and cornerbead.

7 **7. Pre-Mix Dual Purpose Joint Compound**

8 a. The trade name of this product was Kaiser Gypsum Pre-Mix Dual
9 Purpose Joint Compound.

10 b. KAISER GYPSUM began manufacturing Pre-Mix Dual Purpose
11 Joint Compound in 1960, and chrysotile asbestos was used as a component at that time.

12 c. KAISER GYPSUM stopped manufacturing Pre-Mix Dual Purpose
13 Joint Compound with chrysotile asbestos as a component in 1975.

14 d. The KAISER GYPSUM California plants that made this product
15 were located at Long Beach, Antioch and Santa Ana. Because of the heavy weight of the
16 product, low profit margin, and high transportation costs, distribution tended to center
17 around the location of the manufacturing plant. This product consisted primarily of
18 minerals including polyvinyl, clay, talc, limestone, and mica. The product included
19 between 1.5% by weight and 6% by weight chrysotile asbestos as a component,
20 depending on the formula in effect at a given date.

21 e. This product was a white to off-white or light buff-colored paste.
22 It was packaged and sold in 5-gallon cans or plastic pails, and 4 or 5-gallon cartons.
23 Beginning in 1966, small amounts were sold in 5-quart plastic buckets as an
24 accommodation product for lumber dealers under the name 3-Purpose Premix
25 Compound. Each container was labeled with the name of the manufacturer, KAISER
26 GYPSUM COMPANY, INC., the name of the product, and directions for its use.

27 f. This product was a thick paste-like material which, upon
28 application, dried to a hard, durable surface. It was used to finish gypsum wallboard

1 joints, embed joint reinforcing tape, finish joints, and to cover and finish nailheads and
2 metal cornerbead.

3 **8. Pre-Mix Topping Compound**

4 a. The trade name of this product was Kaiser Gypsum Pre-Mix
5 Topping Compound.

6 b. KAISER GYPSUM began manufacturing Pre-Mix Topping
7 Compound in 1968, and chrysotile asbestos was used as a component at that time.

8 c. KAISER GYPSUM last manufactured Pre-Mix Topping
9 Compound with chrysotile asbestos as a component in 1976.

10 d. The KAISER GYPSUM California plants that made this product
11 were located at Santa Ana and Antioch. Because of the heavy weight of the product, low
12 profit margin, and high transportation costs, distribution tended to center around the
13 location of the manufacturing plant. This product consisted primarily of minerals
14 including casein or polyvinyl, clay, talc, limestone, and mica. The product included
15 between 0.9% by weight and 2% by weight chrysotile asbestos as a component,
16 depending on the formula in effect at a given date.

17 e. This product was a white to off-white or light buff-colored paste.
18 It was packaged and sold in metal and plastic buckets of 4 or 5-gallons and in cartons of 4
19 gallons. Each container was labeled with the name of the manufacturer, KAISER
20 GYPSUM COMPANY, INC., the name of the product, and directions for its use.

21 f. This product was a thick paste-like material which, upon
22 application, dried to a hard, durable surface. It was used to top and finish gypsum
23 wallboard joints.

24 **9. Laminating Compound**

25 a. The trade name of this product was Kaiser Gypsum Laminating
26 Compound.

27 b. KAISER GYPSUM began manufacturing Laminating Compound
28 in 1961, at which time chrysotile asbestos was used as a component.

1 c. KAISER GYPSUM last manufactured Kaiser Gypsum Laminating
2 Compound with chrysotile asbestos as a component in 1972, at which time the product
3 was discontinued.

4 d. The KAISER GYPSUM California plants that made this product
5 were located at Antioch and Santa Ana. These plants were in operation at different times.
6 The product was manufactured at Antioch from 1961 through 1970 and at Santa Ana in
7 1971 and 1972. Because of the heavy weight of the product, low profit margin, and high
8 transportation costs, distribution tended to center around the location of the
9 manufacturing plant. The product consisted primarily of soya flour, and limestone. The
10 product included between 6.5% by weight and 10% by weight chrysotile asbestos as a
11 component, depending upon the formula in effect at a given date

12 e. This product was a white to off-white powder. It was packaged
13 and sold in sacks of 25 lbs. Each container was labeled with the name of the
14 manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and
15 directions for its use.

16 f. This product was a dry powder, which, when mixed with water,
17 formed a thick paste. It was used as an adhesive to laminate one piece of gypsum
18 wallboard to another, which was occasionally done to create gypsum drywall partitions
19 having thicker wallboard than could be created by a single sheet.

20 KAISER GYPSUM's responses to interrogatory subparts g.-j. applicable to all of
21 the eight wallboard joint compound products discussed above are as follows:

22 g KAISER GYPSUM is unsure as to the intended meaning of "The
23 U.S. Government's 'Qualified Products List,'" but has no knowledge that any of its
24 wallboard joint compound products ever appeared on such a list.

25 h. KAISER GYPSUM is aware of the following suppliers of
26 chrysotile asbestos:

27 Harrison & Crosfield
28 Carmonia Chemical Co.
Western Chemical Co.

Philip Carey Corp. (Carey Canadian Asbestos)
Johns-Manville
Union Carbide Corp.
E.S. Browning

Current addresses, if any, are not known to KAISER GYPSUM. Most of the specific time periods during which these firms supplied asbestos are unknown.

i. (1 - 3) KAISER GYPSUM sold such products to customers consisting largely of building contractors or building materials dealers.

KAISER GYPSUM has some retained sales orders and sales invoices for some years which identify the purchasers of KAISER GYPSUM products, the dates of sale, the amount of each product sold and, in some cases, the sites to which the products were to be delivered. Sales orders and invoices are not organized by type of product (and often individual documents cover sales of multiple products). KAISER GYPSUM has previously made available to plaintiff's attorneys its retained sales records covering sales to customers in the Geographic Area.

j. KAISER GYPSUM has previously made available to plaintiff's attorneys responsive documents sufficient to substantiate the above information. KAISER GYPSUM regards and maintains its product formulas as confidential business information. Incidental to the sale of production facilities in which asbestos-containing products were previously manufactured, KAISER GYPSUM transferred its trade secrets, intangible property rights, and other confidential and proprietary business information, and assumed obligations to maintain their confidentiality.

B. Decorative Texture Finishes For Interior Walls Or Ceilings - Asbestos Used As A Component

Drywall partitions or walls made from gypsum wallboard are sometimes decorated with wall covering or wallpaper that is fixed to the wall by an adhesive or glue. On other occasions, such walls are finished by painting them. There are many varieties of paint, including some that are intended to create a textured surface (rather than a smooth surface). KAISER GYPSUM manufactured and marketed several texture paint

1 products that, during certain years, used chrysotile asbestos as one of numerous
2 components. Drywall ceilings are sometimes finished with decorative products, as are
3 the cement slab ceilings found in some high-rise buildings. KAISER GYPSUM also
4 manufactured and marketed decorative texture products for use on such interior ceilings
5 that, during certain years, used chrysotile asbestos as one of numerous components. The
6 KAISER GYPSUM decorative wall and ceiling texture products were:

- 7 1. Cover-Tex Texture Paint
- 8 2. Spray-Tex or Spray Cover-Tex Texture Paint
- 9 3. Kaiser-Tex Texture Paint
- 10 4. Cover-Tex (TSS) Wall Texture
- 11 5. K-Spray Ceiling Texture

12 KAISER GYPSUM's responses to interrogatory subparts (a)-(f) for each of these
13 products are as follows:

14 1. Cover-Tex Texture Paint

- 15 a. The trade name of this product was Cover-Tex Texture Paint.
- 16 b. KAISER GYPSUM marketed Cover-Tex Texture Paint in 1952,
17 but it did not itself manufacture all of the product sold. KAISER GYPSUM does not
18 know whether the non-manufactured product marketed in 1952 contained asbestos.
19 KAISER GYPSUM began manufacturing this product in 1953, at which time chrysotile
20 asbestos was used as a component.
- 21 c. KAISER GYPSUM last manufactured Cover-Tex Texture Paint
22 with chrysotile asbestos as a component in 1967, when the product was discontinued.
- 23 d. The KAISER GYPSUM California plants that made this product
24 were located in Redwood City and Antioch. These plants were in operation at different
25 times. The product was manufactured at Redwood City from 1953 through 1957 and at
26 the Antioch plant from 1957 through 1967. Because of the heavy weight of the product,
27 low profit margin, and high transportation costs, distribution tended to center around the
28 location of the manufacturing plant. The product consisted primarily of casing,

1 limestone, and mica. The product included between 4.4% by weight and 8.6% by weight
2 chrysotile asbestos as a component, depending upon the formula in effect at a given date.

3 c. This product was a white to off-white powder. It was packaged
4 and sold in sacks of 25 lbs. and of 50 lbs. Each container was labeled with the name of
5 the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and
6 directions for its use.

7 f. This product was a dry powder which, when mixed with water
8 formed a texture paint. It was used to produce texture effects over gypsum wallboard
9 surfaces.

10 2. Spray-Tex Or Spray Cover-Tex Texture Paint

11 a. The initial trade name of this product was Spray-Tex. It was later
12 changed to Spray Cover-Tex Texture Paint.

13 b. KAISER GYPSUM last manufactured Spray Cover-Tex Texture
14 Paint with chrysotile asbestos as a component in 1967, when the product was
15 discontinued.

16 d. The KAISER GYPSUM California plants that made this product
17 were located in Redwood City and Antioch. These plants were in operation at different
18 times. The product was manufactured at Redwood City from 1956 through 1957 and at
19 the Antioch plant from 1957 through 1967. Because of the heavy weight of the product,
20 low profit margin, and high transportation costs, distribution tended to center around the
21 location of the manufacturing plant. The product consisted primarily of casein,
22 limestone, and mica. The product included between 6.6% by weight and 36.6% by
23 weight chrysotile asbestos as a component, depending upon the formula in effect at a
24 given date.

25 e. This product was a white to off-white powder. However, some
26 colored versions of the product were offered. It was packaged and sold in sacks of 25 lbs.
27 and of 50 lbs. Each container was labeled with the name of the manufacturer, KAISER
28 GYPSUM COMPANY, INC., the name of the product, and directions for its use.

f. This product was a dry powder which, when mixed with water, formed a texture paint that was used to produce texture effects over gypsum wallboard surfaces.

3. Kaiser-Tex Texture Paint

a. The trade name of this product was Kaiser-Tex Texture Paint.

b. KAISER GYPSUM marketed Kaiser-Tex Texture Paint in 1952, but it did not itself manufacture all of the product sold. KAISER GYPSUM does not know whether the non-manufactured product marketed in 1952 contained asbestos. KAISER GYPSUM began manufacturing this product in 1952 or 1953, at which time chrysotile asbestos was used as a component.

c. KAISER GYPSUM last manufactured Kaiser-Tex texture paint with chrysotile asbestos as a component in 1967, when the product was discontinued.

d. The KAISER GYPSUM California plants that made this product were located in Redwood City and Antioch. These plants were in operation at different times. The product was manufactured at Redwood City from 1952 or 1953 through 1957 and at the Antioch plant from 1957 through 1967. Because of the heavy weight of the product, low profit margin, and high transportation costs, distribution tended to center around the location of the manufacturing plant. The product consisted primarily of casein, limestone, and mica. The product included between 4.0% by weight and 8.0% by weight chrysotile asbestos as a component, depending upon the formula in effect at a given date.

e. This product was a white to off-white powder; however, some colored paints were sold. It was packaged and sold in sacks of 10 lbs. and of 25 lbs. Each container was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its use.

f. This product was a dry powder which, when mixed with water, formed a texture paint. It was used to produce texture effects over gypsum wallboard surfaces.

1 4. Cover-Tex (TSS) Wall Texture

2 a. The trade name of this product was Kaiser Gypsum Cover-Tex
3 (TSS) Wall Texture Paint.

4 b. KAISER GYPSUM began manufacturing Cover-Tex Wall Texture
5 in 1968, at which time chrysotile asbestos was used as a component.

6 c. KAISER GYPSUM last manufactured Cover-Tex Wall Texture
7 with chrysotile asbestos as a component in 1975.

8 d. The KAISER GYPSUM California plants that manufactured this
9 product were Santa Ana and Antioch. The product was manufactured at Santa Ana from
10 1968 through 1975 and at the Antioch plant from 1968 through 1975. Because of the
11 heavy weight of the product, low profit margin, and high transportation costs, distribution
12 tended to center around the location of the manufacturing plant. The product consisted
13 primarily of casein, limestone, and mica. The product included between 4.2% by weight
14 and 8.7% by weight chrysotile asbestos as a component, depending upon the formula in
15 effect at a given date.

16 e. The product was a white to off-white powder. It was packaged and
17 sold in 50 lb. sacks. Each container was labeled with the name of the manufacturer,
18 KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its
19 use.

20 f. This was a dry powder which, when mixed with water, formed a
21 paint-like product designed for hand or spray application. When dry, it produced a hard,
22 durable surface. It was used to produce texture effects over gypsum wallboard surfaces.

23 5. K-Spray Ceiling Texture

24 a. The trade name of this product was Kaiser Gypsum K-Spray
25 Ceiling Texture.

26 b. KAISER GYPSUM began manufacturing K-Spray Ceiling Texture
27 in 1961, at which time chrysotile asbestos was used as a component.

28 c. KAISER GYPSUM last manufactured K-Spray Ceiling Texture

1 with chrysotile asbestos as a component in 1975.

2 d. The KAISER GYPSUM California plants that manufactured this
3 product were Santa Ana and Antioch. The product was manufactured at Santa Ana from
4 1973 through 1975 and at the Antioch plant from 1961 through 1971. Because of the
5 heavy weight of the product, low profit margin, and high transportation costs, distribution
6 tended to center around the location of the manufacturing plant. The product consisted
7 primarily of casein, limestone, and mica. The product included between 1.3% by weight
8 and 9.9% by weight chrysotile asbestos as a component, depending upon the formula in
9 effect at a given date.

10 e. The product was a white powder with either a mineral or
11 polystyrene aggregate. It was packaged and sold in 32 lb. sacks. Each container was
12 labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the
13 name of the product, and directions for its use.

14 f. This was a dry powder which, when mixed with water, formed a
15 paint-like product designed for spray application. When dry, it produced a hard, durable
16 surface. It was used to produce texture effects over gypsum wallboard or interior
17 concrete ceilings.

18 KAISER GYPSUM's responses to interrogatory subparts g.-j. applicable to all of
19 the five decorative texture products discussed above are as follows:

20 g. KAISER GYPSUM is unsure as to the intended meaning of "The
21 U.S. Government's 'Qualified Products List,'" but has no knowledge that any of its
22 decorative texture products ever appeared on such a list.

23 h. KAISER GYPSUM is aware of the following suppliers of
24 chrysotile asbestos:

25 Harrison & Crosfield
26 Carmonia Chemical Co.
27 Western Chemical Co.
28 Philip Carey Corp. (Carey Canadian Asbestos)
Johns-Manville
Union Carbide Corp.
E.S. Browning

1 Current addresses, if any, are not known to KAISER GYPSUM. Most of the
2 specific time periods during which these firms supplied asbestos are unknown.

3 i. (1 - 3) KAISER GYPSUM sold such products to customers consisting
4 largely of building contractors or building materials dealers.

5 KAISER GYPSUM has some retained sales orders and sales invoices for some
6 years which identify the purchasers of KAISER GYPSUM products, the dates of the
7 sales, the amount of each product sold, and, in some cases, the sites to which the products
8 were to be delivered. Sales orders and invoices are not organized by type of product (and
9 often individual documents cover sales of multiple products). KAISER GYPSUM has
10 previously made available for inspection its retained sales records covering sales to
11 customers in the Geographic Area.

12 j. KAISER GYPSUM has made available for inspection to plaintiffs'
13 attorneys responsive documents sufficient to substantiate the above information.

14 KAISER GYPSUM regards and maintains its product formulas as confidential business
15 information. Incidental to the sale of production facilities in which asbestos-containing
16 products were previously manufactured, KAISER GYPSUM transferred its trade secrets,
17 intangible property rights, and other confidential and proprietary business information,
18 and assumed obligations to maintain their confidentiality.

19 C. Electric Radiant Heat System Finishing Products - Asbestos Used As
20 A Component

21 In areas where electricity was expected to be particularly inexpensive, some
22 houses and apartments were constructed with electric radiant heating systems. In some
23 such radiant heating systems, grooves were cut in gypsum wallboard ceilings and
24 electrical heating cables secured in the grooves. The groove-cracks were then filled and
25 the ceiling covered with a decorative finish. In other systems, electric heating wires were
26 stapled to the surface of wallboard. Then the ceiling was covered with a thick decorative
27 finish that would conceal the heating wires. KAISER GYPSUM made several products
28 for finishing such systems, and these products used chrysotile asbestos as one of

1 numerous components. These KAISER GYPSUM products were:

- 2 1. Filler Compound
- 3 2. Radiant Heat Compound
- 4 3. Radiant Heath Scrimless Surfacing Compound

5 KAISER GYPSUM's responses to interrogatory subparts (a)-(f) for each of these
6 products are as follows:

7 1. Filler Compound

8 a. The trade name of this product was Kaiser Gypsum Filler
9 Compound.

10 b. KAISER GYPSUM began manufacturing Filler Compound in
11 1961, at which time chrysotile asbestos was used as a component.

12 c. KAISER GYPSUM last manufactured Filler Compound with
13 chrysotile asbestos as a component in 1972, when the product was discontinued.

14 d. The KAISER GYPSUM California plant that made this product
15 was located at Antioch. It manufactured Filler Compound from 1961 to 1970. Because
16 of the heavy weight of the product, the low profit, margin and high transportation costs,
17 distribution tended to center around the location of the manufacturing plant. The product
18 consisted primarily of minerals including limestone, and mica. The product used
19 chrysotile asbestos as a component in its formula, but the amount of asbestos called for in
20 the formula used to manufacture the product at the Antioch plant is uncertain.

21 Investigation is continuing.

22 e. This product was a white to off-white powder. It was packaged
23 and sold in sacks of 50 lbs. Each container was labeled which contained the name of the
24 manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and
25 directions for its use.

26 f. This product was a dry powder, which, when mixed with water,
27 formed a thick paste. Upon application it dried to a hard, durable surface. It was used to
28 cover Radiant Heating System ceiling surfaces.

1 2. **Radiant Heat Compound**

2 a. The trade name of this product was Kaiser Gypsum Radiant Heat
3 Compound.

4 b. KAISER GYPSUM began manufacturing this product in 1968, at
5 which time chrysotile asbestos was used as a component

6 c. KAISER GYPSUM last manufactured Radiant Heat Compound
7 with chrysotile asbestos as a component in 1974, when the product was discontinued.

8 d. The KAISER GYPSUM California plant that made this product
9 was located in Santa Ana, where it was manufactured from 1968 through 1974. Because
10 of the heavy weight of the product, the low profit margin, and high transportation costs,
11 distribution tended to center around the location of the manufacturing plant. The product
12 consisted primarily of sand and white portland cement. The product included between
13 3.3% by weight and 3.6% by weight chrysotile asbestos as a component.

14 e. This product was a white to off-white powder. It was packaged
15 and sold in sacks of 60 lbs. Each container was labeled with the name of the
16 manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and
17 directions for its use.

18 f. This product was a dry powder, which, when mixed with water,
19 formed a thick paste that was used to cover radiant heating cables stapled to ceiling
20 surfaces.

21 3. **Radiant Heat Scrimless Surfacing Compound**

22 a. The trade name of this product was Kaiser Gypsum Radiant Heat
23 Scrimless Surfacing Compound.

24 b. KAISER GYPSUM began manufacturing this product in
25 California in 1972, at which time chrysotile asbestos was used as a component.

26 c. KAISER GYPSUM last manufactured Radiant Heat Scrimless
27 Surfacing Compound with chrysotile asbestos as a component in 1974, when the product
28 was discontinued.

d. The KAISER GYPSUM California plant that made this product was located in Santa Ana, where it was manufactured from 1972. Because of the heavy weight of the product, the low profit, margin and high transportation costs, distribution tended to center around the location of the manufacturing plant. The product consisted primarily of sand, silica, flour, and mica. The product included 5% by weight chrysotile asbestos as a component.

e. This product was a greenish powder. It was packaged and sold in sacks of 25 lbs. and in sacks of 50 lbs. Each container was labeled with the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the product, and directions for its use.

f. This product was a dry powder, which, when mixed with water, formed a thick paste that was used to cover radiant heating cables embedded in ceiling surfaces.

KAISER GYPSUM's responses to interrogatory subparts g.-j. applicable to all of the three radiant heating system surfacing products discussed above are as follows:

g. KAISER GYPSUM is unsure as to the intended meaning of "The U.S. Government's 'Qualified Products List,'" but has no knowledge that any of its radiant heating system surfacing products ever appeared on such a list.

h. KAISER GYPSUM is aware of the following suppliers of asbestos:

Harrison & Crosfield
Carmona Chemical Co.
Western Chemical Co.
Philip Carey Corp. (Carey Canadian Asbestos)
Johns-Manville
Union Carbide Corp.
E.S. Browning

Current addresses, if any, are not known to KAISER GYPSUM. Most of the specific time periods during which these firms supplied asbestos are unknown.

i. (1 - 3) KAISER GYPSUM sold such products to customers consisting largely of building contractors or building materials dealers.

1 KAISER GYPSUM has some retained sales orders and sales invoices for some
2 years which identify the purchasers of KAISER GYPSUM products, the dates of the
3 sales, the amount of each product sold, and, in some cases, the sites to which the products
4 were to be delivered. Sales orders and invoices are not organized by type of product (and
5 often individual documents cover sales of multiple products). KAISER GYPSUM has
6 previously made available to plaintiff's attorneys its retained sales records covering sales
7 to customers in the Geographic Area.

8 j. KAISER GYPSUM has previously made available to plaintiff's
9 attorneys responsive documents sufficient to substantiate the above information.
10 KAISER GYPSUM regards and maintains its product formulas as confidential business
11 information. Incidental to the sale of production facilities in which asbestos-containing
12 products were previously manufactured, KAISER GYPSUM transferred its trade secrets,
13 intangible property rights, and other confidential and proprietary business information,
14 and assumed obligations to maintain their confidentiality.

15 D. Gypsum Wallboard Accessories For Exterior Use - Asbestos Used As
16 A Component

17 KAISER GYPSUM experimented with gypsum wallboard products for use on the
18 exterior surfaces of buildings, but those products proved unsuccessful. KAISER
19 GYPSUM never discovered a way for them to be manufactured that would allow them to
20 effectively withstand the wide variety of weather and temperature conditions that exterior
21 products confront. Those exterior gypsum products were marketed in several test areas
22 and, as in the case of interior gypsum drywall products, required the use of materials to
23 fill the spaces between pieces of gypsum wallboard and to provide a decorative finish.
24 KAISER GYPSUM offered products for those purposes whose components included
25 small percentages of chrysotile asbestos. These products were:

- 26 1. X-Terior Premix Prefill Compound
- 27 2. X-Terior Premix Wall Texture Compound

28 KAISER GYPSUM's responses to interrogatory subparts (a)-(f) for each of these

1 products are as follows:

2 1. X-Terior Premix Prefill Compound

3 a. The trade name of this product was Kaiser Gypsum X-Terior
4 Premix Prefill Compound.

5 b.&c. KAISER GYPSUM began and ceased marketing this product
6 during 1975. Chrysotile asbestos was used as a component for the brief period during
7 which this product was manufactured.

8 d. The KAISER GYPSUM California plant that made this product
9 was located at Antioch. The product was marketed in a limited market area where
10 exterior gypsum wallboard was being sold on a test basis. Kaiser Gypsum X-Terior
11 Premix Prefill Compound was made primarily of raw gypsum, PVA emulsion, and mica.
12 The product included 1.5% by weight chrysotile asbestos as a component.

13 e. This product was a white to off-white paste. It was packaged and
14 sold in metal cans and plastic buckets of 60 lbs., and in cartons of 48 lbs. and 60 lbs.
15 Each container was labeled with the name of the manufacturer, KAISER GYPSUM
16 COMPANY, INC., the name of the product, and directions for its use.

17 f. This product was a paste that was used to pre-fill joints in gypsum
18 wallboard installed on building exteriors.

19 2. X-Terior Premix Wall Texture Compound

20 a. The trade name of this product was Kaiser Gypsum X-Terior
21 Premix Wall Texture Compound.

22 b.&c. KAISER GYPSUM began and ceased marketing this product
23 during 1975. Chrysotile asbestos was used as a component for the brief period during
24 which this product was manufactured.

25 d. The KAISER GYPSUM California plant that made this product
26 was located at Antioch. The product consisted primarily of limestone, acrylic emulsion,
27 and mica. The product included 1.5% by weight chrysotile asbestos as a component.

28 e. The product was a white to off-white paste. It was packaged and

1 sold in 58 lb. metal cans, plastic buckets and cartons. Each container was labeled with
2 the name of the manufacturer, KAISER GYPSUM COMPANY, INC., the name of the
3 product, and directions for its use.

4 f. This product was a white to off-white paste that was used to
5 provide surface texture to gypsum wallboard on building exteriors.

6 KAISER GYPSUM's responses to interrogatory subparts g.-j. applicable to the
7 two exterior finishing products discussed above are as follows:

8 g. KAISER GYPSUM is unsure as to the intended meaning of "The
9 U.S. Government's 'Qualified Products List,'" but has no knowledge that any of its
10 exterior finishing products ever appeared on such a list.

11 h. KAISER GYPSUM is aware of the following suppliers of
12 chrysotile asbestos:

13 Harrison & Crosfield
14 Carmonia Chemical Co.
15 Western Chemical Co.
16 Philip Carey Corp. (Carey Canadian Asbestos)
17 Johns-Manville
18 Union Carbide Corp.
19 E.S. Browning

20 Current addresses, if any, are not known to KAISER GYPSUM. Most of the
21 specific time periods during which these firms supplied asbestos are unknown.

22 i. (1 - 3): KAISER GYPSUM sold such products to customers consisting
23 largely of building contractors or building materials dealers.

24 KAISER GYPSUM has some retained sales orders and sales invoices for some
25 years which identify the purchasers of KAISER GYPSUM products, the dates of the
26 sales, the amount of each product sold, and, in some cases, the sites to which the products
27 were to be delivered. Sales orders and invoices are not organized by type of product (and
28 often individual documents cover sales of multiple products). KAISER GYPSUM has
previously made available to plaintiff's attorneys its retained sales records covering sales
to customers in the Geographic Area.

j. KAISER GYPSUM has previously made available to plaintiff's

1 attorneys responsive documents sufficient to substantiate the above information.

2 KAISER GYPSUM regards and maintains its product formulas as confidential business
3 information. Incidental to the sale of production facilities in which asbestos-containing
4 products were previously manufactured, KAISER GYPSUM transferred its trade secrets,
5 intangible property rights, and other confidential and proprietary business information,
6 and assumed obligations to maintain their confidentiality. Consistent with those property
7 rights and obligations, KAISER GYPSUM is prepared to produce the formulas for
8 asbestos-containing products marketed in the Geographic Area under a confidentiality
9 agreement.

10 **II. Products Made At Kaiser Gypsum's Oregon Plant**

11 From 1956 to 1978, KAISER GYPSUM owned and operated a plant located at St.
12 Helens, Oregon whose basic capability was to make building construction products by
13 compressing wood fibers extracted from wood chips to make various types of sheets and
14 boards used in constructing buildings.

15 The overwhelming majority of the products KAISER GYPSUM made at its
16 Oregon plant were sold with the trademark "Firtex." No product sold under this trade
17 name ever used asbestos as a component.

18 Firtex products also included materials intended for use on ceilings. One type
19 was tiles that could be glued or tacked to ceilings to reduce noise. Another group of such
20 products was used in suspended ceilings. KAISER GYPSUM found that the
21 manufacturing machinery at its St. Helens, Oregon plant could be used to make ceiling
22 tiles and lay-in boards for suspended ceilings with various types of mineral wool as the
23 principal component (instead of wood chips). KAISER GYPSUM marketed such "Kaiser
24 Gypsum Mineral Fibreboard" products for many years. KAISER GYPSUM never used
25 asbestos as a component in any of its 1-hour fire-rated products.

26 **A. Two-Hour Fire-Rated Mineral Fiberboard, Underwriters'**
27 **Laboratories, Inc. Design - Asbestos Used As A Component**

28 Fire code officials came to insist that in some types of buildings ceiling tiles or

1 suspended ceiling lay-in boards must be able to resist fire for at least 2 hours. KAISER
2 GYPSUM attempted to qualify mineral fiberboard products manufactured at its St.
3 Helens, Oregon plant under this standard, but initial efforts proved unsuccessful. This
4 was because under the fire heat of test conditions, the square or rectangular mineral
5 fiberboard products would lose their shape in less than 2 hours, creating cracks between
6 the pieces that would let the fire through, causing the products to fail the test. Eventually,
7 KAISER GYPSUM discovered that if small amounts of asbestos were added, the mineral
8 fiber ceiling tiles and lay-in boards could be made to hold their shape for 2 hours under
9 the conditions of fire tests conducted by Underwriters Laboratories, and those versions of
10 the products received the desired 2-hour fire resistance classification. KAISER
11 GYPSUM marketed the 2-hour fire-rated products, called "Underwriters' Laboratories
12 Design" for about a decade, but the product was not very successful due in part to its high
13 costs.

14 KAISER GYPSUM's responses to interrogatory subparts a.-j. for this minor
15 product are as follows.

16 a. The trade name of this product, a mineral fiber product, was Kaiser
17 Mineral Fiberboard - U.L. Fire-Rated (Underwriters' Laboratories, Inc. Design). The
18 same product was cut into ceiling tiles and lay-in boards for use in suspended ceilings. It
19 was used for acoustical ceiling tile and suspended lay-in board in circumstances where a
20 2-hour fire resistance classification was specified. Both the ceiling tiles and the lay-in
21 boards were sold under the trade name "Kaiser Mineral Fiberboard-U.L. Fire-Rated
22 (Underwriters' Laboratories, Inc. Design)."

23 b. KAISER GYPSUM began manufacturing Mineral Fiberboard-U.L.
24 Fire-Rated with chrysotile asbestos as a component in 1963.

25 c. KAISER GYPSUM last manufactured Mineral Fiberboard-U.L.
26 Fire-Rated with chrysotile asbestos as a component in 1974, when the 2-hour fire-rated
27 product was discontinued.

28 d. The plant that made this product was located at St. Helens, Oregon.

1 This product included 1.6% by weight chrysotile asbestos as a component.

2 e. This product consisted of ceiling tiles and lay-in boards with face
3 side white or colored, and with a perforated or fissured design for acoustical treatment.
4 The tiles were 5/8" by 12" by 12." The lay-in boards came in various sizes, the most
5 common being 1/2" or 5/8" by 24" by 24" and 1/2" or 5/8" by 24" by 48." They were
6 packaged and sold in boxes of various quantities. The boxes contained the name of the
7 manufacturer, KAISER GYPSUM Company, Inc., the name of the product, and other
8 printed material. KAISER GYPSUM's 2-hour fire-rated ceiling tiles and suspended
9 ceiling lay-in board products (in which chrysotile asbestos was used as a component)
10 were required to be specially marked because they looked similar to other KAISER
11 GYPSUM mineral fiberboard ceiling tiles and lay-in boards (that did not contain asbestos
12 as a component) and building inspectors wanted to be able to check to make sure that
13 products with a 2-hour fire resistance classification actually were being used by the
14 building contractor when those had been specified. It is believed that 2-hour fire-rated
15 ceiling tile and suspended ceiling lay-in board were stamped on the back with either the
16 initial "KG" or the word "KAISER GYPSUM." It is believed that this marking was
17 employed during the entire period that the 2-hour fire-rated products were manufactured
18 by KAISER GYPSUM.

19 f. This product was used for acoustical ceiling tile and suspended
20 lay-in board in circumstances where a 2-hour fire resistance classification was specified.

21 g. KAISER GYPSUM is unsure as to the intended meaning of "The
22 U.S. Government's 'Qualified Products List,'" but has no knowledge that any of its 2-hour
23 fire-rated mineral fiberboard products ever appeared on such a list.

24 h. KAISER GYPSUM is aware of the following suppliers of
25 chrysotile asbestos to its St. Helens' Plant:

26 Loomis Chemical Co.
27 Benson Chemical Co.

28 Current addresses, if any, are not known to KAISER GYPSUM. Most of the

specific time periods during which these firms supplied asbestos are unknown.

i. (1 - 3) KAISER GYPSUM sold such products to customers consisting largely of building contractors or building materials dealers.

KAISER GYPSUM has some retained sales orders and sales invoices for some years which identify the purchasers of KAISER GYPSUM products, the dates of the sales, the amount of each product sold, and, in some cases, the sites to which the products were to be delivered. Sales orders and invoices are not organized by type of product (and often individual documents cover sales of multiple products). KAISER GYPSUM has previously made available to plaintiff's attorneys its retained sales records covering sales to customers in the Geographic Area.

j. KAISER GYPSUM has previously made available to plaintiff's attorneys responsive documents sufficient to substantiate the above information. KAISER GYPSUM regards and maintains its product formulas as confidential business information. Incidental to the sale of production facilities in which asbestos-containing products were previously manufactured, KAISER GYPSUM transferred its trade secrets, intangible property rights, and other confidential and proprietary business information, and assumed obligations to maintain their confidentiality.

III. Types of Products Kaiser Gypsum Never Made And Never Marketed

KAISER GYPSUM has never mined, milled, or marketed asbestos. KAISER GYPSUM never designed, manufactured, or marketed any product in which amosite, crocidolite, or other amphibole forms of asbestos were used as a component. KAISER GYPSUM never designed, manufactured, or marketed floor tile, pipe insulation or pipe covering, refractory products, boiler insulation, acoustical plaster, sprayed fireproofing, or sprayed thermal insulation products. KAISER GYPSUM never designed, manufactured, or marketed any sort of brake products. It never designed, manufactured, or marketed paper products, textile products, or roofing products in which asbestos was used as a component. KAISER GYPSUM never designed, manufactured, or marketed any products intended for use in ships or shipyards, or any products intended for use in

1 trains or other railroad equipment or railroad facilities. .

2 **IV. Null-A-Fire Type-X Gypsum Wallboard - Allegedly Contaminated**
3 **Vermiculite Ore**

4 This part of KAISER GYPSUM's response, though not directly called for by the
5 subject interrogatories, is being made in light of earlier versions of KAISER GYPSUM's
6 responses to standard interrogatories and evolving knowledge, in the context of historical
7 regulatory uncertainties about whether vermiculite ore used as a component in some
8 Kaiser Gypsum Null-A-Fire Type-X Gypsum Wallboard products which may have been
9 contaminated in a way that caused certain workers to be exposed to airborne "asbestos."
10 KAISER GYPSUM's position is that no Kaiser Gypsum Null-A-Fire Type-X Gypsum
11 Wallboard using vermiculite ore as a component could have been a substantial
12 contributing factor to any disease caused by exposure to airborne asbestos fibers.

13 As background, in 1954, KAISER GYPSUM introduced Null-A-Fire brand
14 wallboard, a 5/8" thick gypsum wallboard that was approved by the Research Committee
15 of the Pacific Coast Building Officials Conference and certified by the National Board of
16 Fire Underwriters for a one-hour rating. Wallboard products that were fire-rated were
17 labeled as "Type X" to distinguish them from ordinary gypsum wallboard products that
18 had not passed fire-rating tests.

19 When introduced in 1954, the primary component of KAISER GYPSUM's Null-
20 A-Fire wallboard was gypsum stucco, which is the gypsum plaster that forms the greatest
21 percentage by weight of all gypsum wallboard. KAISER GYPSUM found that, by
22 adding small proportions of glass fiber and perlite, a board could be constructed that
23 would resist shrinking and cracking under the heat of the fire test for the required one-
24 hour period. Perlite is a very light substance, white in color, that looks like puffed
25 breakfast cereal. It is often used in soil for potted plants to help keep the soil from
26 caking.

27 KAISER GYPSUM continued to market its Null-A-Fire Type X Gypsum
28 Wallboard products that contained perlite for more than a decade following their

1 introduction in 1954.

2 Until 1965, KAISER GYPSUM could not use vermiculite to provide fire
3 protection in gypsum wallboard because other companies had secured patents from the
4 United States government which gave them exclusive rights to use vermiculite in their
5 gypsum wallboard products. In 1965, KAISER GYPSUM began using vermiculite in its
6 wallboard products to provide increased protection against fire. Vermiculite is a mica-
7 like mineral found in the ground in a number of places. Such expanded vermiculite is
8 used by nurseries everywhere to help hold air and moisture in plant soil so that young
9 plants will grow faster and stronger.

10 Once fire-rated and approved, KAISER GYPSUM began marketing vermiculite-
11 containing gypsum wallboard under its Null-A-Fire brand. KAISER GYPSUM
12 manufactured limited quantities of ½" Null-A-Fire Type X Wallboard beginning in 1967,
13 and began manufacturing 5/8" Null-A-Fire Type X Wallboard in 1969. It continued to
14 market such products until it disposed of the last of its gypsum business in April 1978.
15 Like other wallboard products, those Null-A-Fire wallboards consisted primarily of
16 gypsum plaster. The formulas varied over the years, but the vermiculite ore percentage
17 did not exceed 4% by weight of the products.

18 Controversy concerning vermiculite reflects the regulatory proposals published
19 and regulations adopted by the U.S. Occupational Safety and Health Administration
20 ("OSHA"). OSHA is a U.S. government agency, created by federal legislation in 1970,
21 that adopts and enforces workplace safety and health regulations. OSHA has been
22 controversial from the beginning. California's parallel state program was terminated
23 several years ago.

24 The federal OSHA undertook to regulate exposure to "asbestos" in the workplace
25 as one of its first regulatory undertakings, and OSHA adopted regulations on asbestos in
26 1972. In due course, OSHA began to threaten manufacturers who used various
27 substances other than asbestos with charges of violating the OSHA asbestos exposure
28 regulations. This triggered a long-lasting legal and scientific dispute concerning what

1 minerals are "asbestos" for purposes of the OSHA regulations and what minerals should
2 be regulated like asbestos even if they are not asbestos.

3 In that context, vermiculite supplier W.R. Grace & Co. (hereinafter "Grace")
4 issued an "Important Notice to Vermiculite Ore Processors," dated March 17, 1976,
5 warning that "employers of workers handling vermiculite ore" should be "aware of the
6 OSHA regulations," because OSHA was applying them to Grace vermiculite plants and
7 proposed to make the regulation of dust more strict under the regulations. Grace stated
8 that the issues related to vermiculite reflected a "tramp" mineral "found in vermiculite
9 deposits" named "tremolite, defined by OSHA as one of the asbestos family." Disputes
10 over these OSHA proposals persisted for years. Then, on June 20, 1986, OSHA
11 published in the Federal Register (at 51 Fed. Reg. 22612) a "final rule" that defined
12 "asbestos" to include "tremolite" and applied asbestos exposure limits and warnings to
13 tremolite. However, shortly thereafter those regulations were "stayed," that is, not made
14 effective, by OSHA as to tremolite and several other minerals to prevent the federal
15 courts from deciding whether the regulations were "arbitrary and capricious." (See 51
16 Fed. Reg. 37002; Oct. 17, 1986.) The scientific and regulatory debate continued for years
17 until OSHA published regulations in 1992 (57 Fed. Reg. 24310; June 8, 1992) declaring
18 that some tremolite is "platy," or non-fibrous, and that "platy tremolite" would not be
19 deemed to be asbestos.

20 However, OSHA found other tremolite was fibrous or "asbestiform" and that such
21 "asbestiform tremolite" would be regulated as asbestos. OSHA further limited these
22 regulations by providing that even products with asbestiform tremolite would not be
23 subject to asbestos regulation if asbestiform tremolite "is present in a product in
24 concentrations less than 1.0 percent by weight."

25 KAISER GYPSUM admits that, for a limited number of years, some of its Null-
26 A-Fire products contained vermiculite, but KAISER GYPSUM denies that these products
27 contained asbestiform tremolite. KAISER GYPSUM further contends that any attempt
28 under state law to deem any products that have less than the amount that would subject

1 them to federal regulation to be asbestos-containing products would be preempted by
2 federal law and the Supremacy Clause of the U.S. Constitution.

3 **RESPONSE TO INTERROGATORY NO. 32:**

4 Not applicable.

5 **RESPONSE TO INTERROGATORY NO. 33:**

6 Not applicable.

7 **RESPONSE TO INTERROGATORY NO. 34:**

8 Not applicable.

9 **RESPONSE TO INTERROGATORY NO. 35:**

10 KAISER GYPSUM is unaware of entering into any such rebranding agreements.

11 **RESPONSE TO INTERROGATORY NO. 36:**

12 During 1952, KAISER GYPSUM purchased Joint Cement, Cover-Tex Texture
13 Paint, and Kaiser-Tex Texture Paint from Wesco Waterpaints, Inc., then located in
14 Berkeley, California, that was packaged under KAISER GYPSUM's name. It is unknown
15 to KAISER GYPSUM whether asbestos was used as a component of those products.
16 During December 1953, KAISER GYPSUM entered into an agreement with Wesco
17 Waterpaints, Inc., then located in Berkeley, California, to purchase Joint Cement,
18 Topping Compound and Texture Paint packaged under KAISER GYPSUM's name for a
19 period of 90 days. It is unknown to KAISER GYPSUM whether any products purchased
20 had asbestos as a component. KAISER GYPSUM has no information demonstrating that
21 any product obtained from Wesco Waterpaints, Inc. was an asbestos-containing product
22 KAISER GYPSUM knows of no other agreement entered by it that provided for
23 rebranding any product of another company's which may have been an asbestos-
24 containing product in KAISER GYPSUM's name for sale in California.

25 **RESPONSE TO INTERROGATORY NO. 37:**

26 Yes, as to products marketed in 1972 or thereafter.

27 A. Beginning in 1972, in response to regulations adopted by the U.S.
28 Occupational Safety and Health Administration (see 37 Fed. Reg. 11318, June 7, 1972),

1 KAISER GYPSUM affixed caution labels to the packages and containers of its asbestos-
2 containing products. The OSHA regulations requiring this label were made subject to the
3 limitation that "no label is required where asbestos fibers have been modified by a
4 bonding agent, coating, binder, or other material so that during any reasonably
5 foreseeable use, handling, storage, disposal, processing, or transportation, no airborne
6 concentrations of asbestos in excess of the exposure limits prescribed in paragraph B. of
7 this section will be released." In light of then-existing ambiguities as to what tests OSHA
8 would recognize as adequate to demonstrate a product's falling within this exception,
9 KAISER GYPSUM applied the caution label to all its then-manufactured products in
10 which chrysotile asbestos was used as a component.

11 Initially, the labels were four inches by eight inches in size and had yellow
12 backgrounds with red letters. They were affixed to the bag or container of the product by
13 adhesive in a prominent place. Later, as new bags and containers were purchased, the
14 labels were printed onto the side of the bag or container and are believed to have been the
15 same color or colors as the bag/container or the printing thereon. The warning label as
16 prescribed by OSHA read:

17 CAUTION: contains asbestos fibers; avoid creating dust;
18 breathing asbestos dust may cause serious bodily harm.

19 Additionally, KAISER GYPSUM Technical Bulletins 5703-A, dated October
20 1973, and 5707, dated October 1973 and November 1976, prescribed the use of
21 respirators during spray application.

22 B. Yes.

23 C. Beginning in 1972; exact date unknown.

24 D. This caution label remained unchanged during the remaining time the
25 products upon which it was used continued to contain asbestos as a component.

26 E. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
27 California.

28 ///

RESPONSE TO INTERROGATORY NO. 38:

Most of KAISER GYPSUM's products were sold in the form of a powder or paste; therefore, the name of the company was on the packaging of the product. However, KAISER GYPSUM's 2-hour fire-rated ceiling tiles and suspended ceiling lay-in board products (in which asbestos was used as a component) were specially marked because they looked similar to other KAISER GYPSUM Mineral Fiberboard ceiling tiles and lay-in boards (that did not contain asbestos as a component) and building inspectors wanted to be able to check to make sure the 2-hour fire-rated products actually were being used by the building contractor when those had been specified. It is believed that each piece of 2-hour fire-rated ceiling tile and suspended ceiling lay-in board was stamped on the back with either the initial "KG" or the word "KAISER GYPSUM." Such marking was employed during the entire period that the 2-hour fire-rated products were manufactured by KAISER GYPSUM.

RESPONSE TO INTERROGATORY NO. 39:

KAISER GYPSUM has no knowledge that it ever purchased or otherwise acquired an asbestos-containing product line from another person or entity.

RESPONSE TO INTERROGATORY NO. 40:

KAISER GYPSUM has no knowledge that it ever sold an asbestos-containing product line to another person or entity.

RESPONSE TO INTERROGATORY NO. 41:

A.-C. KAISER GYPSUM has retained a number of brochures, pamphlets, catalogs, and other product information documents. Many of these documents discuss both asbestos-containing products and other products, and many of the documents are similar. KAISER GYPSUM has previously made representative documents available to plaintiff's attorneys.

D. To provide potential users of such products with information about the products.

E. Some of these documents still exist.

1 F. See response to A. - C.

2 G. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
3 California.

4 **RESPONSE TO INTERROGATORY NO. 42:**

5 The interrogatories define "contract unit" to "mean a branch or division of a
6 defendant which has been or is now engaged in installation and/or removal of 'raw
7 asbestos fibers' and/or 'asbestos-containing products.'" KAISER GYPSUM never had
8 such a unit.

9 **RESPONSE TO INTERROGATORY NO. 43:**

10 Not applicable.

11 **RESPONSE TO INTERROGATORY NO. 44:**

12 In the mid to late 1960's, KAISER GYPSUM became generally aware from
13 media, industry, and governmental publications of allegations that inhalation of asbestos
14 fibers could have potential health consequences.

15 **RESPONSE TO INTERROGATORY NO. 45:**

16 See Response to Interrogatory No. 44.

17 **RESPONSE TO INTERROGATORY NO. 46:**

18 KAISER GYPSUM has previously made documents containing the information
19 requested available to plaintiffs attorneys.

20 **RESPONSE TO INTERROGATORY NO. 47:**

21 Beginning in the mid 1960's, KAISER GYPSUM warned its employees
22 concerning the hazards of inhaling asbestos dust or fiber and its employees were given
23 additional instructions regarding the use of respirators and other methods of avoiding or
24 limiting inhalation of asbestos.

25 A. Memoranda distributed to safety supervisors advised the use of approved
26 respirators during exposure to asbestos dust.

27 B. Yes.

28 C. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,

1 California.

2 D. See response to subpart A.

3 **RESPONSE TO INTERROGATORY NO. 48:**

4 KAISER GYPSUM has no knowledge that it ever issued such a policy.

5 **RESPONSE TO INTERROGATORY NO. 49:**

6 Yes. See Responses to Interrogatory Nos. 37 and 47.

7 **RESPONSE TO INTERROGATORY NO. 50:**

8 Yes.

9 A. 29 CFR 1910.93(e).

10 B. November 2, 1973

11 C. OSHA.

12 D. Unknown.

13 E. KAISER GYPSUM believes the conditions alleged to be violations were
14 changed in a manner satisfactory to OSHA.

15 **RESPONSE TO INTERROGATORY NO. 51:**

16 Not applicable.

17 **RESPONSE TO INTERROGATORY NO. 52:**

18 Not applicable.

19 **RESPONSE TO INTERROGATORY NO. 53:**

20 Yes.

21 A. KAISER GYPSUM shipped asbestos-containing products through ports
22 located in the Geographic Area.

23 ///

24 ///

25 ///

26 ///

27 ///

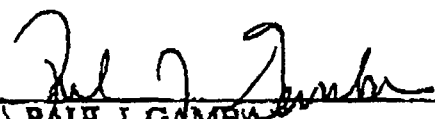
28 ///

1 B.-D. KAISER GYPSUM sales orders and sales invoices show that asbestos-
2 containing products were shipped through the following berths located in the Geographic
3 Area during the years 1968 through 1975: Matson Contract Yard; Matson Lines Dock;
4 Matson Lines, Berth 208; Peters/Matson; Peters/NML; Delta Terminal, Richmond; Berth
5 154; Terminal 1, Berth 3; Encinal Terminal; San Francisco; 9th Avenue Pier, Oakland;
6 and Berth 0, 7th Street, Oakland.

7
8 Dated: August 3, 1999

JACKSON & WALLACE LLP

9
10
11 By


PAUL J. GAMBA

Attorneys for Defendant

KAISER GYPSUM COMPANY, INC.

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