

JUN 17 1987

IN RE:

BCA-1--TRADES,

BCA-2--BETHLEHEM
STEEL, and

BCA-4--OTHER

PERSONAL INJURY CASES

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE COUNTY
*
*

* * * * *

GAF CORPORATION'S RESPONSE
TO PLAINTIFFS' INTERROGATORIES

GAF Corporation ("GAF"), pursuant to Rules 2-401, 2-402, 2-403, and 2-421, responds to PLAINTIFFS' INTERROGATORIES (the "Interrogatories") as follows:

GAF responds to the Interrogatories, including 121 questions and approximately 232 subparts, only pursuant to, under the protection of, and to the extent such requests comply with the Maryland Rules, as hereinafter described.

1. GAF responds, with such knowledge as GAF possesses as to The Ruberoid Co. prior to its merger with General Aniline & Film Corporation on May 26, 1967, and on behalf of GAF after 1968, with information obtained through a reasonably diligent search of its records in accordance with the manner in which those records are maintained; GAF declines under the Maryland Rules to respond on behalf of any other entity.

2. GAF will respond to the Interrogatories by individual written responses or, pursuant to Rule 2-421(c), by specifying the records from which the answer may be derived or ascertained and affording Plaintiffs reasonable opportunity to examine or

inspect the records at GAF's principal offices as they are kept in the usual course of business or as otherwise agreed with Plaintiffs.

3. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus GAF declines any obligation: (a) to interview or to locate all of GAF's present employees or any former employees, agents, or other persons acting or purporting to act on behalf of GAF; (b) to generate documents not presently existing; (c) to describe its unsuccessful efforts to answer any Interrogatory; (d) to identify an unknown custodian or the current custodian of documents not in defendant's possession; (e) to identify the source of documents identified unless specifically requested in the Interrogatory; (f) to add to or to change the meaning of any Interrogatory, in the conjunctive or disjunctive, singular or plural, past or present tense; or, (g) to respond to any aspect of an Interrogatory not described with reasonable particularity by the express language of the Interrogatory.

4. GAF will respond to the Interrogatories only in accordance with the Maryland Rules and thus GAF declines to identify "graphic material, film, tape, disc, recorded matter, or stored computer data", or fields, files, menus, databases, or other computer classifications or material, inasmuch as such documents constitute documents or other things prepared or obtained in anticipation of litigation or for trial pursuant to Rule 2-402, work product, confidential attorney-client communications, and otherwise privileged documents.

5. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus certain responses may be submitted by GAF only on the condition that Plaintiffs agree in writing, and then undertake, to maintain the confidential commercial or product information.

6. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus GAF declines to respond to parts or aspects of interrogatories, or to identify or produce documents, relating to times, events and other things beyond the subject matter of the Complaint, or outside of the period generally from 1928 to 1981, during which this Defendant may have manufactured asbestos-containing industrial thermal insulation products, or relating to any products other than asbestos-containing industrial thermal insulation products.

7. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus GAF declines to provide information specifically with respect to mining and manufacturing operations, or any safety precautions or tests undertaken therein whether in compliance with OSHA or otherwise, inasmuch as the occupational level exposures of asbestos miners and manufacturers are different from the occupational level exposures of insulators and construction bystanders working with finished asbestos-containing industrial thermal insulation products.

8. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus GAF declines pursuant to Rule 402(c) to provide information, or to identify any documents or other tangible things, prepared or obtained in anticipation of

litigation or for trial, there having been no showing that the Plaintiffs (1) have substantial need for the materials in the preparation of the case and (2) are unable without undue hardship to obtain the substantial equivalent of the materials by other means.

9. GAF will respond to the Interrogatories only in accordance with the Maryland Rules, and thus GAF declines to respond to the extent that any Interrogatory is not limited to the State of Maryland and GAF further declines to respond to Interrogatories seeking information which may well be discoverable by similar plaintiffs in similar proceedings in other jurisdictions but which is not properly subject to discovery in this action.

10. GAF adopts the motions and objections of the other defendants, and reserves the right to adopt future motions, relating to Plaintiffs' Interrogatories.

11. GAF objects generally to the "instructions and definitions" section of the Interrogatories, as beyond the scope of the Maryland Rules.

12. GAF objects generally and individually to the numbered Interrogatories, on grounds that the Interrogatories are (i) not "relevant to the subject matter . . .", Rule 2-402(a); (ii) in violation of the work product rule, Rule 2-402(c); (iii) in violation of the rule against "oppression, or undue burden or expense . . .", Rule 2-403(a), and (iv) excessive in number and scope, overbreadth, vagueness and ambiguity, and not calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections and limitations which are applicable to each of the numbered paragraphs of the Interrogatories and reflected in the responses below, and subject to documentary or other information being in existence and recoverable through a reasonably diligent search, and without representing that any particular document or documents are thus existing and (if existing) recovered or recoverable through such a reasonable diligent search, GAF further responds to the individual Interrogatories, as follows:

INTERROGATORIES AND RESPONSES

PART I - GENERAL INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address and official capacity of each person who has supplied information used in answering these interrogatories and indicate for which interrogatory each such person is responsible.

ANSWER TO INTERROGATORY NO. 1:

Various GAF officers and employees, members of GAF's legal department and outside counsel have participated in the preparation of answers to interrogatories and provided information utilized in the preparation of certain of the answers to these Interrogatories.

In the course of answering interrogatories over several years, various persons have provided information and referred to documents, which persons and documents this defendant is

presently unable to identify individually or in relation to specific items of information.

The following current GAF employees or representatives are known to have supplied information in response to the preparation of interrogatories:

William C. Schwingen - Vice President, Research and Commercial Development for GAF Building Materials Corporation - employed at 1361 Alps Road, Wayne, New Jersey 07470.

Phillip Bettoli - (retired) - former Technical Director - Research Department, GAF Corporation - formerly employed at Southbound Brook, New Jersey 08880.

Duane A. Davis - (retired) - Building and Industrial Manager of Research and Development, GAF Corporation - formerly employed at Southbound Brook, New Jersey 08880.

Wayne Page - former Vice President of Manufacturing of Consumer Products Group, GAF Corporate Headquarters - formerly employed at New York, New York.

In addition, counsel for GAF Corporation, various local counsel for GAF, and their paralegal professionals have assisted in the preparation of response from which these responses have been drawn, or these responses themselves, or both.

INTERROGATORY NO. 2:

Identify each document that was examined, reviewed and/or used in answering each interrogatory, specify the interrogatory and identify the present custodian of each document.

ANSWER TO INTERROGATORY NO. 2:

In addition to the objections set forth in the preliminary paragraphs of this Response, this Defendant objects to this Interrogatory on the grounds that it is vague, unduly burdensome, and impossible to answer as presently propounded. Thousands of pages of documents have been produced, by this and other defendants, by Bethlehem Steel Corporation and otherwise, in the course of the BML-3 litigation. Should there remain outstanding (as yet unrequested and unproduced) relevant, non-privileged documents, to be obtained from this Defendant, this Defendant will respond to the following subject matter-specific interrogatories.

INTERROGATORY NO. 3:

State whether you are a corporation. If so, state: your corporate name; state of incorporation; date of incorporation; address of principal place of business; address(es) of any other place of business; whether, if you are a "foreign corporation" as defined in Maryland General Corporation Law Sec. 1-101(1), you are now or have ever been registered or qualified to do business in the State of Maryland; and the corporate name, state of incorporation and date of incorporation of any subsidiary, predecessor or affiliate corporation.

ANSWER TO INTERROGATORY NO. 3:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response, including absence of relevance. This Defendant further objects to the terms "predecessor" and "affiliate", as they are not defined in the

interrogatories and are susceptible to a variety of interpretations, legal conclusions and consequences. Subject to the foregoing objections, GAF states that it is incorporated in Delaware, with its principal place of business in New Jersey, and registered to do business in Maryland and various other states. The date of qualification to do business in Maryland for GAF Building Materials Corporation and GAF Chemicals Corporation is July 16, 1986; the withdrawal of the registration of GAF Corporation is pending.

This Defendant was incorporated in Delaware in 1929 as American I.G. Corporation. Its name was changed in 1939 to General Aniline & Film Corporation. From its inception until May of 1967, General Aniline & Film Corporation was not engaged in any aspect of the asbestos industrial thermal insulation business and, in fact, manufactured no products whatsoever containing asbestos.

On May 26, 1967, General Aniline & Film Corporation merged with The Ruberoid Co. The Ruberoid Co. was originally incorporated in New York in 1886 as the Standard Paint Company. This company was succeeded by a company of the same name, which was incorporated in West Virginia in 1889; that company was succeeded by the Standard Paint Company, incorporated in New Jersey on June 16, 1905. The name of the company was changed to The Ruberoid Co. on March 10, 1921.

In 1942, 98 percent of the stock of General Aniline & Film Corporation was seized, pursuant to a wartime legislative enactment, by the U.S. Treasury Department which assumed control over

the company management and operations. In 1965, the U.S. Government relinquished control over General Aniline & Film Corporation and its stock was sold at public auction. The merger with The Ruberoid Co. took place on May 26, 1967. In 1968, the name of the entity was changed to GAF Corporation. By 1981, GAF Corporation was not manufacturing any asbestos-containing industrial thermal insulation products.

Currently, GAF is primarily a chemicals and building materials manufacturer. It maintains its principal place of business at 1361 Alps Road, Wayne, New Jersey 07470.

On July 1, 1986, the majority of the assets of the Chemicals Division and the Building Materials Division and certain other investment assets were transferred to wholly owned subsidiaries of GAF Corporation, incorporated for that purpose in Delaware as GAF Chemicals Corporation and GAF Building Materials Corporation. Both of those corporations were qualified to do business in Maryland on July 16, 1986. The withdrawal of the qualification of GAF Corporation is pending.

INTERROGATORY NO. 4:

Identify all prior names by which you have existed.

ANSWER TO INTERROGATORY NO. 4:

GAF Corporation was originally incorporated as American I. G. Corporation; it changed to General Aniline & Film Corporation and then to GAF Corporation.

INTERROGATORY NO. 5:

If you have divisions which have ever mined, manufactured, produced, fabricated, imported, converted, compounded, processed,

sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce asbestos products, identify each such division and state the names, addresses and job titles of each person who supervised each division, specifying the applicable time periods.

ANSWER TO INTERROGATORY NO. 5:

Subject to the general objections set forth in preliminary paragraphs of this Response, particularly Nos. 3, 6, 7, 9 and 12, this Defendant responds:

With respect to the Calsilite® facility, in the initial development and operation of the Calsilite® facility, all operating personnel reported directly to Dr. Herbert Abraham, President of Ruberoid. Dr. Abraham was located at Ruberoid headquarters in New York, New York. In the initial years of operation of the Calsilite® facility, the organization was headed by Mr. John Robinson, Mr. Carl Eckert and Mr. J. M. High. In the 1950's, the Calsilite® facility became part of Ruberoid's Industrial Products Division. The head of the Industrial Products Division in the mid-1950's was Thomas J. Walters, who was succeeded by Richard W. Henry, now deceased. Mr. Henry was succeeded by Wilbur Neel. The plant was closed and the equipment sold in 1971.

The Erie-Sixteenth Street facility was also operated as part of Ruberoid's Industrial Product Division. Management of this facility from time-to-time reported to Ruberoid's Erie-Lake facility, which was a roofing manufacturing plant. GAF is currently without information regarding the plant manager or other operating personnel for this facility.

Insulation cements were manufactured in Hyde Park (Morrisville, Lowell), Vermont from approximately 1937 to 1975 when the plant was sold.

INTERROGATORY NO. 6:

Have you controlled, purchased or in any way acquired any interest in any corporation or business entity which has mined, manufactured, produced, fabricated, imported, converted, compounded, processed, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce asbestos products?

ANSWER TO INTERROGATORY NO. 6:

Yes.

INTERROGATORY NO. 7:

If your Answer to Interrogatory No. 6 is in the affirmative, identify and attach copies of all documents related thereto and state:

(A) The name(s), including prior name(s), and the business address(es) of any and all such corporation(s) or business entity(ies);

(B) The date(s) on which you first controlled, purchased or acquired said interest;

(C) The manner in which you acquired said interest, i.e., cash purchase, merger, consolidation, exchange or sale of assets, etcetera;

(D) The percentage of assets, ownership and/or control acquired by you;

(E) Whether the corporation(s) or business entity(ies) acquired by you continued to exist following the acquisition and, if not, the date on which its existence ceased;

(F) The nature of and/or amount of consideration paid by you for said interest;

(G) The terms and conditions of any contracts or agreements by and between you and such corporation(s) or business entity(ies), including, but not limited to, the terms and conditions relating to the transfer of liabilities for obligations of such corporation(s) or business entity(ies);

(H) Whether you continued the manufacture, sale and/or distribution of such corporation's or business entity's asbestos products and, if so, whether you used the same product name(s) in so doing; and

(I) Whether there was an identity of name, officers, directors, personnel, property, suppliers, distribution outlets and/or clients between you and such corporation(s) or business entity(ies);

ANSWER TO INTERROGATORY NO. 7:

Subject to the objections set forth in preliminary paragraphs of this Response, particularly nos. 3, 6, 7, 9 and 12, this Defendant responds:

On May 26, 1967, General Aniline & Film Corporation merged with The Ruberoid Co. The Ruberoid Co. was originally incorporated in New York in 1886 as the Standard Paint Company. This company was succeeded by a company of the same name, which was incorporated in West Virginia in 1889; that company was succeeded

by the Standard Paint Company, incorporated in New Jersey on June 16, 1905. The name of the company was changed to The Ruberoid Co. on March 10, 1921. The Ruberoid Co. began the manufacture of industrial thermal insulation products containing asbestos in 1928 when it acquired the H.F. Watson Co. The Ruberoid Co. made various other acquisitions not pertinent to this action, including a Vermont mine.

In 1942, 98 percent of the stock of General Aniline & Film Corporation was seized, pursuant to a wartime legislative enactment, by the U.S. Treasury Department which assumed control over the company management and operations. In 1965, the U.S. Government relinquished control over General Aniline & Film Corporation and its stock was sold at public auction.

The merger with The Ruberoid Co. took place on May 26, 1967. The terms and conditions of the merger are contained in the Articles of Merger. Products continued to be sold under the Ruberoid name for a short period of time. In 1968, the name of the entity was changed to GAF Corporation. By 1981, GAF Corporation was not manufacturing any asbestos-containing industrial thermal insulation products.

Currently, GAF is primarily a chemicals and building materials manufacturer. It maintains its principal place of business at 1361 Alps Road, Wayne, New Jersey 07470.

On July 1, 1986, the majority of the assets of the Chemicals Division and the Building Materials Division and certain other investment assets were transferred to wholly owned subsidiaries of GAF Corporation, incorporated for that purpose in Delaware as

GAF Chemicals Corporation and GAF Building Materials Corporation. Both of those corporations were qualified to do business in Maryland on July 16, 1986. The withdrawal of the qualification of GAF Corporation is pending.

INTERROGATORY NO. 8:

If you have directly or indirectly mined, manufactured, produced, fabricated, imported, converted, compounded, processed, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce asbestos or asbestos-containing products, state as to each such product, indicating separately those products dealt with by you, your predecessor(s) in interest, your subsidiary(ies), and your affiliate(s), if any, the following:

- (A) Brand name, trade-name, and/or trade-mark;
- (B) The generic name or identity;
- (C) Description, including size, shape, color and composition, i.e. solid, powder or other form;
- (D) Chemical and physical composition, including, but not limited to, the percentage of asbestos by weight and volume;
- (E) Type of asbestos, i.e. chrysotile, amosite, crocidolite, actinolite, anthophyllite, or tremolite, indicating the percentage of each such asbestos fiber by weight and volume;
- (F) Intended marketable use; and
- (G) Dates during which each asbestos product was mined, manufactured, produced, fabricated, imported, converted, compounded, processed, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce.

ANSWER TO INTERROGATORY NO. 8:

Subject to the objections set forth in the preliminary paragraphs of this Response, particularly nos. 5, 6, 7 and 9, this Defendant responds.

Calsilite® pipe covering and block products were first manufactured by The Ruberoid Co. on a commercial basis, beginning on March 7 (sometimes stated as April 1), 1949, and then by General Aniline & Film Corporation in 1967 and by GAF Corporation in 1968. Prior to that time, Calsilite® pipe covering and block were manufactured by The Ruberoid Co. on a limited pilot/test basis, with the support and at the behest of the U.S. Government, from around November, 1944, until March, 1947, when the facility was classified as a "research project," which classification continued until April 1, 1949.

Subsequent to 1960, Calsilite-Hi® was developed; it was manufactured with a higher clay content and could withstand temperatures up to 1800° F. In the mid-1960's, Calsilite® SS, an "inhibited" product, was developed to prevent stress corrosion and chloride cracking in austenitic stainless steel piping.

In 1970, asbestos-free Calsilite®, known as Calsilite® II or Calsilite® A-F, was introduced. In October, 1971, the entire Calsilite® operation was terminated.

These products were lightweight, hard substances of various thicknesses and sizes. Both pipe covering and block were manufactured using the same basic product formula, which was changed from time to time, but which, from 1949 until approximately 1954, was as follows:

- a. asbestos fiber, approximately 2-5% amosite and 7-10% chrysotile;
- b. pulverized quicklime, 23%;
- c. silica sand, 30%;
- d. Ph dolomite, 2%;
- e. Celite, 10%;
- f. magnesium sulphate, 3%;
- g. Bentonite, 5%;
- h. Calsilite® waste, 14%.

The original patent in 1946 called for approximately 13.5% asbestos in Calsilite®. A change in composition occurred in 1954 when all chrysotile asbestos from Vermont was eliminated from the product. Another change took place in 1955, at government insistence. Furthermore, another major change in composition occurred in 1970, when GAF developed an asbestos-free Calsilite®. In the asbestos-free Calsilite®, asbestos was replaced by sulphite pulp.

Insulation cements of different fiber sizes, commonly known as sizes 115 and 214 (also known generically among various manufacturers' products as sizes 7M and 7K) were sold by The Ruberoid Co. from 1937 until 1967 and by General Aniline & Film Corporation and then by GAF Corporation from 1967 to 1975. "313" mineral wool insulation cement and "412" insulation cement, both designed to meet the respective numerical Standard Quebec Tests were advertised by GAF and apparently manufactured for GAF by Baldwin-Ehret-Hill from 1960 to 1971. Some of these insulation cements contained chrysotile asbestos fibers and some did not. Prior to 1950, essentially the same grade of insulation cement

may have been sold by Ruberoid under a different alphabetical or numerical designation.

Calsilite® Insulation Cement was first produced in 1948. Production of the product ceased in or around 1960, due to lack of demand, although the product continued to be advertised for sale in various Ruberoid brochures. The basic formula for Calsilite® Insulation Cement was as follows:

- a. 36.8% ground Calsilite®;
- b. 45% chrysotile asbestos fiber;
- c. 13.6% Lummite cement; and,
- d. 4.6% Portland cement.

T/NA-100 was manufactured from 1962 until 1971. This asbestos paper product was a thin, fully bound two-ply laminated product consisting of an interior layer of chrysotile asbestos paper bonded with Neoprene to a layer of polyvinylfluoride (Tedlar) plastic film on the exterior of the product. T/NA-100 was sold with a back surface vapor barrier of Dow "Saran" film.

Flat and corrugated asbestos paper, rollboard and millboard products were manufactured at various times, primarily from 1936 to 1960, but to some degree from 1928 until 1981, when the facility where the product was produced was sold to the Quin-T Corporation, Joliet, Illinois. These products were composed of a mixture of sulphite pulp and asbestos fiber.

Some of the papers consisted of a flat sheet of asbestos paper, to which was bonded various non-asbestos materials and a corrugated sheet of asbestos paper. In or about 1975, latex was added as a binder to those paper and millboard products. The

basic asbestos composition of these products was millboard, 20-40% chrysotile and crocidolite; rollboard, varied; paper, 20-40% chrysotile.

The Ruberoid Co. also manufactured Imperial laminated pipe covering (1936 - approximately 1960), Watcocell insulation sheets and blocks (1942-1960), Woolfelt (1936-38) and spongefelt (1936 - approximately 1960); there has been no evidence over the years that any Maryland plaintiff was exposed to any of these products.

With respect to subpart f, each product was intended to be used as an industrial thermal insulation product, but the actual field use was undertaken by the purchaser or its user or designee. As a manufacturer and seller only, the method or manner of using the asbestos-containing thermal insulation products listed above was not within the discretion of this Defendant.

INTERROGATORY NO. 9:

State whether you presently mine, manufacture, produce, fabricate, import, convert, compound, process, sell, merchandise, supply, distribute and/or otherwise place in the stream of commerce any asbestos product(s) listed in your Answer to the preceding interrogatory.

ANSWER TO INTERROGATORY NO. 9:

This Defendant terminated the selling, supply and distribution of all remaining asbestos-containing industrial thermal insulation products by 1981.

INTERROGATORY NO. 10:

Identify each individual who participated in the design and preparation of manufacturing specifications for each asbestos product identified in your Answer to Interrogatory No. 8.

ANSWER TO INTERROGATORY NO. 10:

Subject to the objections set forth in preliminary paragraphs of this Response, this Defendant responds:

During the period from 1967 through the present, the following persons at GAF have held the position of Vice-President, Research Department:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Leon Katz	-1967	American Can
Frederick Grosser	1967-1969	Retired from GAF
Robert Meyers	1969-1972	St. Regis or Regal Paper
Simon Kantor	1972-1981	Retired from GAF
Charles R. Talley (Held position of Director of Research Department)	1981-1983	GAF
William C. Burlant	1983-Present	GAF

The directors of the Research Department at The Ruberoid Co. were as follows:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Edward Duke	?-1947	Deceased
Clarence Eckert	1947-1958	Deceased
Phillip S. Bettoli	1958-1967	Retired; GAF Corporation

See also Answer to Interrogatory No. 5.

INTERROGATORY NO. 11:

State whether any written memoranda, specifications, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the asbestos products identified in your Answer to Interrogatory No. 8. If so, identify:

- (A) Each such written material or document; and
- (B) The custodian, identity and location of each such written material or document.

ANSWER TO INTERROGATORY NO. 11:

Subject to the objections set forth in the preliminary paragraphs of this Response and further subject to reasonable interpretation of the phrases "other written materials of any kind or character" and "relating to the design and preparation of the asbestos products", this Defendant responds: Yes. No such list of documents exists, and no list of particular categories of such documents exists in discoverable form. Certain documents within the scope of this interrogatory are in the custody of the Legal Department of GAF and in the custody of its local counsel.

From the beginning of the manufacture of asbestos-containing industrial thermal insulation products by The Ruberoid Co., such as Calsilite®, the standards for manufacture were contained in specifications issued by the U.S. Government and other purchasers as described below, with which specifications Ruberoid complied. Ruberoid's Calsilite® was produced to meet these specifications. Further, governmental and industrial hygienists adopted a safety standard of 5 m. particles per cubic foot, and the government

studies indicated that asbestos-containing industrial thermal insulation products such as Defendant's products, as used in the shipyard and other construction work places, were in compliance with that standard. Further, the President and U.S. Congress, and executive departments adopted that safety standard in the Walsh-Healy Act, and perpetuated it in subsequent regulations. In the early 1970's the United States adopted the standards of the Occupational Safety and Health Act, with which the products of this Defendant have also complied.

This Defendant manufactured its asbestos-containing industrial thermal insulation products in compliance with specifications, including military specifications, of agencies and departments of the United States of America.

Government specifications applicable to asbestos-containing products relevant to this litigation were promulgated or approved by various agencies and departments of the United States, including:

- a. General Services Administration
Washington, D.C.;
- b. Department of Defense
Washington, D.C.; and
- c. Department of the Navy
Washington, D.C.

Each such specification set a standard applicable to a group or class of products. Upon meeting the standard, a manufacturer's product could be placed on a "Qualified Product List," which listed all products in such group or class to which the standard applied. Such products were then eligible for sale, by

contract or otherwise, for use in federally-owned and federally sponsored projects and facilities including, but not limited to, the construction, outfitting, reconstruction and overhaul of vessels owned and operated by the United States, particularly the Navy.

It was necessary to comply with each such government specification, as well as specifications governing packaging and similar matters, in order for products to be eligible for sale, by contract or otherwise, for use in federally-owned and federally sponsored projects and facilities.

To the best of this Defendant's knowledge, no complete list, compilation, abstract or summary of the documents sought by this interrogatory presently exists in discoverable form. Furthermore, the information sought by this interrogatory is contained in public documents which would be equally available to Plaintiffs as to GAF. Subject to the foregoing caveat, to the best of this Defendant's knowledge, its products conformed to the following specifications, their predecessors, successors and amendments:

1. MIL-I-002819 (SHIPS)
2. MIL-I-24244
3. MIL-I-2781
4. MIL-I-2819
5. MIL-C-2908
6. HH-I-523
7. HH-I-00523
8. HH-I-561

Specifications identified in this response were periodically revised by the United States, its agencies and departments. The dates on which these revisions occurred are contained on the front page of each specification. These specifications are a matter of public record and are equally available to all parties to this action. This Defendant has in its possession copies of some specifications. To the extent this Defendant has such specifications, they will be made available to Plaintiffs for copying and inspection, upon reasonable request.

To the best of this Defendant's knowledge, government specifications applicable to its industrial thermal insulation products were still in effect and required the use of asbestos at the time this Defendant determined to cease, and did cease, manufacture of such thermal insulation products.

In addition to establishing and enforcing mandatory contract specifications for asbestos-containing insulation products, the United States exercised sole supervision and control over the work performed at Navy and contract shipyards and at its other facilities. The United States had the duty and responsibility to provide for the safety and welfare of its workers.

INTERROGATORY NO. 12:

Identify, by location and product, each plant of yours in which the asbestos products identified in your Answer to Interrogatory No. 8 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER TO INTERROGATORY NO. 12:

Subject to the objection set forth in preliminary paragraphs of this Response, this Defendant responds:

"Calsilite®," including pipe covering and block, was commercially manufactured in Gloucester City, New Jersey, 1949 to 1971. The plant was closed and the equipment was subsequently sold.

Insulation Cements: Hyde Park (Morrisville, Lowell), Vermont; approximately 1937 to 1975; the plant was sold.

Calsilite® Insulation Cement: Gloucester City, New Jersey; 1951 to 1960; this product never gained commercial acceptance.

T/NA-100: Paper inner layer manufactured in Erie, Pennsylvania; the Neoprene outer layers were supplied by DuPont; the product was assembled by High Vacuum Company, Passaic, New Jersey; 1962 to 1971; lack of commercial success.

Flat and corrugated asbestos paper, asbestos rollboard and asbestos millboard were manufactured in Erie, Pennsylvania, at various times from 1928 to 1981, when the manufacturing facility for these products was sold to the Quin-T Corporation, Joliet, Illinois.

INTERROGATORY NO. 13:

If you have discontinued mining, manufacturing, producing, fabricating, importing, converting, compounding, processing, selling, merchandising, supplying, distributing and/or otherwise placing in the stream of commerce any asbestos products listed in your Answer to Interrogatory No. 8, identify the products discontinued, give the date of discontinuance and specify the reason(s) for such discontinuance.

ANSWER TO INTERROGATORY NO. 13:

Subject to the objections set forth in the preliminary paragraphs of this Response, particularly nos. 1, 3, 6, 7 and 12, this Defendant responds:

Calsilite® pipe covering and block products were first manufactured by The Ruberoid Co. on a commercial basis, beginning on March 7 (often stated as April 1), 1949 and then by General Aniline & Film Corporation in 1967 and by GAF Corporation in 1968. Prior to that time, Calsilite® pipe covering and block was manufactured by The Ruberoid Co. on a limited pilot/test basis, with the support and at the behest of the U.S. Government, from around November, 1944 until March, 1947, when the facility was classified as a "research project," which classification continued until April 1, 1949.

Subsequent to 1960, Calsilite-Hi® was developed; it was manufactured with a higher clay content and could withstand temperatures up to 1800° F. In the mid-1960s, Calsilite® SS, an "inhibited" product, was developed to prevent stress corrosion and chloride cracking in austenitic stainless steel piping.

In 1970, asbestos-free Calsilite®, known as Calsilite® II or Calsilite® A-F, was introduced. In October, 1971, the entire Calsilite® operation was terminated.

Insulation cements of different fiber sizes, commonly known as sizes 115 and 214 (also known generically among various manufacturers' products as sizes 7M and 7K), 313 and 412, were sold by The Ruberoid Co. from 1937 until 1967 and by General Aniline & Film Corporation and then GAF Corporation, from 1967 to 1975.

Calsilite® Insulation Cement was first produced in 1951, after two years of development subsequent to commencement of the commercial operation of Ruberoid's Calsilite® plant on April 1, 1949. Production of the product ceased in or around 1960, due to lack of demand, although the product continued to be advertised for sale in various Ruberoid brochures.

T/NA-100 was withdrawn from sale in 1971 due to a lack of commercial success.

Flat and corrugated asbestos paper, rollboard and millboard products were manufactured at various times, primarily from 1936 to 1960, but to some degree from 1928 until 1981, when the facility where the product was produced was sold to the Quin-T Corporation, Joliet, Illinois.

INTERROGATORY NO. 14:

If you have done so, when did you first determine that any other material could be used in place of asbestos for high-temperature insulation or any other use to or for which asbestos has been applied. If you have, in fact, substituted other material(s) for asbestos in your product(s), then state:

(A) The identity of such substituted material(s);

(B) When the product(s) with such substituted material(s) was first marketed; and

(C) The trade-name(s) and brand name(s) of the product(s) marketed with such substituted material(s).

ANSWER TO INTERROGATORY NO. 14:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that, begin-

ning in 1966, this Defendant developed a high temperature calcium silicate thermal insulation product that did not contain asbestos. This product was identified as "Calsilite® II" or "Calsilite®." In 1970 and 1971, William Schwingen and Richard Henry attempted to obtain Navy approval of GAF's non-asbestos Calsilite® for use on Navy ships. This Defendant demonstrated the product's safety and suitability and had an independent laboratory perform tests for the Navy's benefit. However, the Navy, through the Naval Experimental Station in Annapolis, refused to permit this Defendant to remove asbestos from the product and rejected non-asbestos Calsilite®. Without governmental approval of the non-asbestos product, this Defendant determined to cease manufacturing Calsilite®, and the closing of the Calsilite® plant was announced on October 14, 1971.

INTERROGATORY NO. 15:

State whether you have ever made any changes to or alterations of your asbestos products from 1930 to the present. If so, state:

- (A) The identity, by brand name and trade-name, of each such product;
- (B) The date(s) each such product was changed or altered;
- (C) The manner in which each such product was changed or altered, including, but not limited to, any changes in the asbestos content or chemical composition of each such product;
- (D) The reason for each change or alteration; and
- (E) The identity of the person(s) responsible for instituting each change or alteration.

ANSWER TO INTERROGATORY 15:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds:

Calsilite® pipe covering and block products were first manufactured by The Ruberoid Co. on a commercial basis, beginning on April 1, 1949 and then by General Aniline & Film Corporation in 1967 and by GAF Corporation in 1968. Prior to that time, Calsilite® pipe covering and block was manufactured by The Ruberoid Co. on a limited pilot/test basis, with the support and at the behest of the U.S. Government, from around November, 1944 until March, 1947, when the facility was classified as a "research project," which classification continued until April 1, 1949.

Originally, the initial formula for Calsilite® provided for approximately 13.5% asbestos. In 1954, all chrysotile asbestos from Vermont was removed from the product and replaced by Canadian chrysotile. In or around 1955 the asbestos content was increased at the behest of the U.S. Government. Subsequent to 1960, Calsilite-Hi® was developed; it was manufactured with a higher clay content and could withstand temperatures up to 1800° F. In the mid-1960's, Calsilite® SS, an "inhibited" product, was developed to prevent stress corrosion and chloride cracking in austenitic stainless steel piping.

Beginning in 1966, this Defendant developed a high temperature calcium silicate thermal insulation product that did not contain asbestos. This product was identified as "Calsilite® II" or "Calsilite®". In 1970 and 1971, William Schwingen and

Richard Henry attempted to obtain Navy approval of GAF's non-asbestos Calsilite® for use on Navy ships. This Defendant demonstrated the product's safety and suitability and had an independent laboratory perform tests for the Navy's benefit. However, the Navy, through the Naval Experimental Station in Annapolis, refused to permit this Defendant to remove asbestos from the product and rejected non-asbestos Calsilite®. Without governmental approval of the non-asbestos product, this Defendant determined to cease manufacturing Calsilite®, and the closing of the Calsilite® plant was announced on October 14, 1971.

Changes in the formulae from time to time for other purposes resulted in minor changes in asbestos content over the years, but such changes were insignificant. The formula for Calsilite® pipe covering and block was adjusted, apart from competitive considerations, to compensate for changes in the quality and availability of materials over the years, including 1964. Printed materials concerning the products reflected their changes in composition.

Flat and corrugated asbestos paper, rollboard and millboard products were manufactured at various times, primarily from 1936 to 1960, but to some degree from 1928 until 1981, when the facility where the product was produced was sold to the Quin-T Corporation, Joillet, Illinois. These products were composed of a mixture of sulphite pulp and asbestos fiber.

Some of the papers consisted of a flat sheet of asbestos paper, to which was bonded various non-asbestos materials and a corrugated sheet of asbestos paper. In or about 1975, latex was added as a binder to those paper and millboard products.

William Schwingen and Phillip Bettoli are persons who are knowledgeable of, or who instituted, such changes.

INTERROGATORY NO. 16:

Do you contend that any of the asbestos products listed in your Answer to Interrogatory No. 8 require change or modification before they may be used? If so, specify what change or modification is required for each such product.

ANSWER TO INTERROGATORY NO. 16:

This Defendant objects to this Interrogatory on the grounds that the meaning of the terms "change or modification" is so vague in the context of this litigation as to be meaningless. Subject to this objection, this Defendant states that, as a manufacturer and seller only, the method or manner of using the asbestos-containing thermal insulation products listed in Answer to Interrogatory No. 8 was determined by the purchaser, contractor or other user in the field, and was not within the discretion of this Defendant.

INTERROGATORY NO. 17:

Identify all patents issued, or any applications made therefore, for any asbestos product listed in your Answer to Interrogatory No. 8. Specify the number of each patent, the date(s) of application, issuance and renewal, if applicable, to whom each patent was issued and the product(s) for which each patent was issued.

ANSWER TO INTERROGATORY NO. 17:

Subject to the objects set forth in the preliminary paragraphs of this Response, this Defendant responds that U.S.

Patent No. 3,300,927, patented January 31, 1967, covers a bonded roofing product known as T/NA-200, and arguably also covers T/NA-100, in that T/NA-100, also primarily a roofing membrane, differed only in the thickness of the polyvinylfluoride surface film, with the Neoprene binder. The holder of this patent is Phillip S. Bettoli.

An original patent on the Calsilite® heat insulation process was held by Herbert Abraham, formerly President of Ruberoid, and Herbert E. Lloyd. Lloyd assigned his patent to Ruberoid (Patent No. 2,400,844) in 1946. Abraham assigned his patent to Ruberoid in 1952 (Patent No. 2,602,754). GAF filed a patent application for its asbestos-free Calsilite® through Duane A. Davis, inventor, on October 8, 1971. The patent application, Proposal No. 187, 921, and rights to the process for which the patent was sought, were sold in 1972.

INTERROGATORY NO. 18:

Identify all trade-marks registered for any products listed in your Answer to Interrogatory No. 8. Specify the number and date of registration, the term thereof, the date(s) of renewal, if applicable, by whom each trade-mark was registered and the product(s) for which each trade-mark was registered.

ANSWER TO INTERROGATORY NO. 18:

Subject to the objections set forth in the preliminary paragraphs of this Response, trademarks have been registered for various asbestos-containing thermal insulation products manufactured by this Defendant, including Calsilite®, Calsilite-Hi®, and T/NA-100. In addition, it is believed that Ruberoid also

registered with the United States Patent Office for Imperial, Watcocell, and Super Cell in October, 1935, and a workman with hammer in September, 1939.

INTERROGATORY NO. 19:

State whether you have distributed or sold any asbestos or asbestos-containing products which was/were mined, manufactured, produced, fabricated, imported, converted, compounded, processed, sold, merchandised, supplied and/or otherwise placed in the stream of commerce by persons and/or business entities other than you or your predecessor(s) in interest or subsidiary(ies), if any. If so, state:

(A) The identity of each such person and/or business entity whose asbestos products you sold or distributed on a product-by-product basis;

(B) The terms of all assignments, agreements, licenses and other arrangements which relate to same. Identify and attach copies of all such documents;

(C) As to each product, the brand name, trade-name and/or trademark adopted and used by the source from which you obtained said product for distribution or sale;

(D) As to each product, the brand name, trade-name and/or trademark adopted and used by you for purposes of distribution or sale of said product;

(E) The generic name or identity of each such product;

(F) The dates during which you distributed or sold each such asbestos product;

(G) As to each such product, a description, including size, shape, color, composition, i.e. solid, powder or other form;

(H) As to each such product, the type of asbestos and the percentage of asbestos, by weight and volume;

(I) As to each such product, its intended marketable use;

(J) The identity of each person and/or business entity in the State of Maryland to whom or to which you sold or distributed each such product;

(K) The identity of each contractor, subcontractor, installer or other business in the State of Maryland which ultimately installed, applied or used each such product; and

(L) The custodian, identity and location of each document which refers to or contains information relevant to such sale or distribution.

ANSWER TO INTERROGATORY NO. 19:

This Defendant objects to this Interrogatory on grounds set forth in the preliminary paragraphs of this Response and on the further ground that this Interrogatory is too vague for reasonable interpretation. This Defendant believes that The Ruberoid Co. and GAF had an agreement under which Baldwin-Ehret-Hill produced 313 and 412 insulating cements nationally for GAF from time to time from 1960 to 1971. Ruberoid purchased raw asbestos from Johns-Manville, the United States Government and others for resale. This Defendant has no knowledge that any person or business entity in the State of Maryland bought or otherwise obtained such products and no list of documents which might refer to such sales exists in discoverable form.

INTERROGATORY NO. 20:

Identify the distributors of your asbestos products at any time during the period from 1930 to the present and attach copies of all documents relating to said distributors. For each distributor, indicate:

(A) The terms of all assignments, agreements, licenses and other arrangements by and between you and said distributor;

(B) Whether the distribution relationship was exclusive;

(C) The year or years in which the distribution relationship was in effect;

(D) The identity of your asbestos products which the distributor was authorized to and did distribute; and

(E) The quantity of your asbestos products distributed by the distributor on a year-by-year and product-by-product basis.

ANSWER TO INTERROGATORY NO. 20:

Subject to objections set forth in the preliminary paragraphs of this Response, this Defendant states that it entered into no distributor agreements, although there were credit agreements which may have used "distributor" terminology. Accordingly, GAF sold products to various companies which may have at times resold those products to other entities. In Maryland, GAF believes it entered into such arrangements with Leroy Contracting Company, Baltimore, Maryland and Roberts Insulation & Supply Company, 301 West Church Street, Hagerstown, Maryland, but the time and other aspects of such agreements are unknown.

INTERROGATORY NO. 21:

State whether you have ever sold, distributed or otherwise furnished any of your asbestos products to any other person and/or business entity for resale or redistribution at any time from 1930 to the present. If so, state:

(A) The identity of each such person and/or business entity;

(B) The brand name, trade-name and/or trademark adopted and used by you for each such product;

(C) The brand name, trade-name and/or trademark adopted and used by each such person and/or business entity for each such product;

(D) The generic name or identity of each such product;

(E) The year(s) in which each such product was sold, distributed or otherwise furnished to each such person and/or business entity, and for each year, the quantity of each product sold, distributed or otherwise furnished;

(F) The intended marketable use for each such product;

(G) Whether each such product was intended to be used, resold, or distributed by such other person and/or business entity in the same or substantially the same condition as it was when shipped or delivered by you; and

(H) The custodian, identity and location of all documents pertaining to agreements for the resale, distribution, or furnishing of your asbestos products to each other person and/or business entity.

ANSWER TO INTERROGATORY NO. 21:

Subject to the objections set forth in preliminary paragraphs of this Response, and subject to the further objection that the phrase "for resale or distribution" is too vague for reasonable interpretation, this Defendant believes that The Ruberoid Co. and GAF had two agreements relating to cross-agreements with other companies from time to time between 1930 and 1979, which agreements may have involved the furnishing of industrial thermal insulation products "for resale or distribution" and which agreements may possibly have been, but are believed not to have been, applicable to sales of GAF products in Maryland: a relabeling agreement with the Grant Wilson Company, apparently in the 1930's generally applicable to the sales of certain products, primarily in the midwestern area of the United States; and an agreement with Armstrong Contracting and Supply Company, Lancaster, Pennsylvania, in 1963 under which Ruberoid agreed to sell certain products to the Company and attach that Company's labels, as and when directed. This Defendant also is aware of testimony and documentation indicating that raw asbestos was sold to Eagle-Picher Industries, Inc. and that some Calsilite® may have been rebranded as an Eagle-Picher product for sale in the Midwest. Other such arrangements may have been undertaken from time to time, for brief periods of time, but apparently none in the Maryland area.

INTERROGATORY NO. 22:

State the following with respect to the packages and containers in which you sold, distributed or otherwise furnished

each of the asbestos products described in your Answer to Interrogatory Nos. 8 and 19 on a year-by-year and product-by-product basis:

(A) A description of the package or container in which each product was sold, distributed or otherwise furnished, including composition, size, shape and color;

(B) A description of the markings or printed material that appeared on each package or container, indicating the size and color of the same;

(C) A description of any logo or other design appearing on the package or container;

(D) A verbatim description of any caution or warning notice appearing on the package or container, setting forth the year(s) in which each such notice appeared on each such product; and

(E) A verbatim description of any instructions appearing on the package or container.

ANSWER TO INTERROGATORY NO. 22:

All of this Defendant's products were packaged in corrugated cardboard cartons, except cements, which came in 50 and 100 lb. burlap and kraft paper bags.

GAF complied with Government specifications concerning product form, content, packaging and labeling for products to be used in Government-owned and sponsored projects and facilities. In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST.
BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

No list or other compilation of documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 23:

If your Answer to Interrogatory No. 22 reflects that any changes were made to the packages and containers in which you sold, distributed or otherwise furnished each of the asbestos products described in your Answer to Interrogatory Nos. 8 and 19, indicate as to each such package or container:

(A) The nature of each such change, e.g., changes in composition, size, shape and color, and/or or changes regarding the placement, modification or removal of any color, logo, design, name, word, number, instruction, warning or other marking on the container;

- (B) The date on which you decided to make the change;
- (C) The date the container was in fact changed;
- (D) The reason for the change;
- (E) The identity of each present or former employee, officer, representative or agent of yours at any time from 1930 to the present with knowledge or information regarding your decision to change any aspect of the package or container; and
- (F) The custodian, location and identity of each document in your custody, control or possession which contains information relevant to your decision to change any aspect of the package or container.

ANSWER TO INTERROGATORY NO. 23:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that GAF complied with Government specifications concerning product form, content, packaging and labeling for products to be used in Government-owned and sponsored projects and facilities.

In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of

the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

No list or other compilation of documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 24:

For each asbestos product identified in your Answer to Interrogatory Nos. 8 and 19, as being manufactured, sold, distributed or otherwise furnished by you, state:

(A) Whether you have actual packages or containers or photographs of packages or containers in which said products were sold, distributed or otherwise furnished; and

(B) The identity of the custodian of said packages or containers or photographs thereof.

ANSWER TO INTERROGATORY NO. 24:

Yes; photographs already have been made available to Plaintiffs' counsel in other litigation.

INTERROGATORY NO. 25:

State whether you prepared or published any catalogues, brochures or other documents describing products containing asbestos or asbestos components. If so, identify each such catalogue, brochure or other document and the custodian thereof.

ANSWER TO INTERROGATORY NO. 25:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds: yes; The Ruberoid Co. (and later GAF) presented product and technical information in trade and other magazines, and maintained entries in Sweet's Catalog Files.

INTERROGATORY NO. 26:

Identify each present or former employee, officer, agent or representative of yours who directed, handled, solicited, supervised, promoted or otherwise participated in the sale, supply, distribution, delivery, installation or removal in Maryland, at any time from 1930 to the present, of any asbestos products identified in your Answer to Interrogatory Nos. 8 and 19.

ANSWER TO INTERROGATORY NO. 26:

This Defendant objects to this Interrogatory on grounds set forth in preliminary paragraphs of this Response, particularly on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, this Defendant responds that Harold Pfleiger was the sales representative for Maryland in the 1960s and Thomas H. Wallace was District Sales Manager in Baltimore during approximately 1971-1981.

INTERROGATORY NO. 27:

For each person identified in your Answer to Interrogatory No. 26 who participated in the advertising in Maryland of any asbestos products identified in Interrogatory Nos. 8 and 19 at any time from 1930 to the present, state:

(A) His or her duties, responsibilities and inclusive years of employment;

(B) The identity of each product advertised, marketed or promoted; and

(C) The method by which each product was advertised, marketed or promoted, and if by print, the name of the publication, the inclusive dates during which the advertisement or promotion appeared therein and the publisher.

ANSWER TO INTERROGATORY NO. 27:

This Defendant objects to this Interrogatory on grounds set forth in preliminary paragraphs of this Response, particularly on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, this Defendant responds that Harold Pfleiger was the sales representative for Maryland in the 1960s and Thomas H. Wallace was District Sales Manager in Baltimore during approximately 1971-1981.

INTERROGATORY NO. 28:

Describe your corporate structure and policy concerning the subject of employee safety in the design, development, manufacture, testing and use of asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 from 1930 to the present. In your Answer to this Interrogatory, identify each present or former corporate department, division, subdivision or other group responsible for the above-described activities and, with respect to each, identify the name, title, duties, responsibilities, and current or last known business and residential address of the

highest supervisory employee with knowledge of any of those activities during any time from 1930 to the present.

ANSWER TO INTERROGATORY NO. 28:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response and on the grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this Interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, this Defendant states that Harry Mesler was head of Corporate Safety for Ruberoid, and later GAF. Mr. Mesler was succeeded by William Fassuliotis, who was in turn succeeded by Charles Bien. Mr. Mesler is now deceased, and Mr. Fassuliotis is no longer employed by GAF. The current title for this position, now held by Mr. Bien, is Corporate Manager for Safety, Security and Occupational Health. The policies of GAF were determined generally by its Board of Directors and corporate officers.

INTERROGATORY NO. 29:

Describe your corporate structure concerning the subject of research and development of asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 from 1930 to the present. In your Answer to this Interrogatory, identify each present or former corporate department, division, subdivision or other group responsible for any of these activities and, with respect to each, identify the name, title, duties, responsibilities, and

current or last known business and residential address of the highest supervisory employee during any time from 1930 to the present.

ANSWER TO INTERROGATORY NO. 29:

Subject to the objections set forth in preliminary paragraphs of this Response, this Defendant responds that, during the period from 1967 through the present, the following persons at GAF have held the position of Vice-President, Research Department:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Leon Katz	-1967	American Can
Frederick Grosser	1967-1969	Retired from GAF
Robert Meyers	1969-1972	St. Regis or Regal Paper
Simon Kantor	1972-1981	Retired from GAF
Charles R. Talley (Held position of Director of Research Department)	1981-1983	GAF
William C. Burlant	1983-Present	GAF

The directors of the Research Department at The Ruberoid Co. were as follows:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Edward Duke	?-1947	Deceased
Clarence Eckert	1947-1958	Deceased
Phillip S. Bettoli	1958-1967	Retired; GAF Corporation

GAF has no corporate records which show the date when it initially established a Research Department.

INTERROGATORY NO. 30:

Describe your corporate structure concerning medical directors, industrial hygienists or consultants in these fields from 1930 to the present. In your Answer to this Interrogatory, identify the name, title, duties, responsibilities, period of employment, to whom the individual reported, and the current or last known business and residential address of each medical director, industrial hygienist or consultant of yours, or of your predecessor(s) in interest or subsidiary(ies), if any.

ANSWER TO INTERROGATORY NO. 30:

Subject to the objections set forth in preliminary paragraphs of this Response, this Defendant says that it has never employed medical directors, industrial hygienists or consultants in these fields.

INTERROGATORY NO. 31:

Identify any medical examination program offered or sponsored by you or your insurance carrier, from 1930 to the present, for employees handling or otherwise exposed to asbestos and/or asbestos products. With respect to each such program, indicating applicable time periods, state:

(A) The manner of communicating with employees about such program;

(B) Whether examination was optional or mandatory and, if the latter, how frequently such examination was required;

(C) What percentage of employees permitted to undergo such examination actually participated;

(D) What percentage of employees who underwent such medical examination were found to have pneumoconiosis, asbestosis, mesothelioma, lung cancer or other cancers; and

(E) With respect to the employees referred to in your Answer to Part (D) of this Interrogatory, what percentage of these employees were paid disability, and/or worker's compensation benefits and for what percentage of employees were medical expenses paid for purposes of treatment of such condition.

ANSWER TO INTERROGATORY NO. 31:

GAF objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response and on the grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this Interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, this Defendant responds, not applicable. GAF did not have facilities or equipment for medical testing or research and did not itself conduct tests or studies of a medical nature on its employees or on its products.

From time-to-time during the period beginning in approximately 1930, this Defendant called upon local physicians from surrounding cities or towns near its plant locations to perform

routine physical examinations and to administer routine medical treatment when and if necessary.

INTERROGATORY NO. 32:

State whether you or anyone on your behalf ever conducted, engaged in or participated in any tests, studies and/or research concerning the human health consequences of persons coming in contact with and/or inhaling asbestos fibers or asbestos dust during the manufacture and/or use of asbestos products. If so, identify:

- (A) What tests, studies and/or research were done;
- (B) When said tests, studies and/or research were done;
- (C) The individuals who ordered and supervised the tests, studies and/or research;
- (D) The individuals or groups engaged in or participating in the tests, studies and/or research;
- (E) The substance of any recommendations and/or suggestions given as a result of the tests, studies or research. State when, by whom and to whom said recommendations were made, including the addresses of these individuals;
- (F) All written documents including, but not limited to, reports, memoranda, specifications and correspondence which refer, relate or pertain to said tests, studies and/or research; and
- (G) The present custodian of the written documents identified in your Answer to Part (F) of this Interrogatory.

ANSWER TO INTERROGATORY No. 32:

Subject to the objections set forth in the preliminary paragraphs of this Response, particularly nos. 3, 6, 7 and 12, this Defendant responds that GAF products were tested for purposes of quality control and, with respect to sales to Government agencies and departments, such tests were mandatory and performed by the Government itself in many instances. The Government was thus responsible for such testing in such instances.

GAF does not have in its possession documents relating to the testing of its products by, at or for the United States for compliance with mandatory Government specifications, except on a limited or occasional basis. With respect to non-Government documents requested by this interrogatory, no list, compilation, summary or abstract of such documents sought by this interrogatory presently exists in discoverable form.

In accordance with industry practice and later at the direction of OSHA, tests were to be made in the workplace by the management officials and other employees who were employed by contractors and other sophisticated purchasers of such products. Insofar as this Defendant is aware, no testing was performed with respect to GAF's industrial thermal insulation products, other than as set forth above.

No list, compilation, summary or abstract of the documents relating to this interrogatory exists in discoverable form.

INTERROGATORY NO. 33:

State whether any of the medical directors, industrial hygienists or consultants in these fields identified in your

Answer to Interrogatory No. 30 ever made any recommendations and/or suggestions to you pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products. If so, identify:

- (A) The date when said recommendations and/or suggestions were made;
- (B) The individual to whom said recommendations and/or suggestions were made;
- (C) The individual who made said recommendations and/or suggestions;
- (D) The substance of the recommendations and/or suggestions; and
- (E) What actions, if any, were taken by you as a result of said recommendations and/or suggestions.

ANSWER TO INTERROGATORY NO. 33:

Not applicable.

INTERROGATORY NO. 34:

State whether you have ever conducted or directed any studies to determine the amount of asbestos dust in your asbestos product manufacturing facilities. If so, identify:

- (A) The date of each such study;
- (B) The individual or group conducting each such study;
- (C) The result or conclusion of each such study;
- (D) All documents which refer, relate or pertain to each such study; and
- (E) The present custodian of all documents identified in your Answer to Part (D) of this Interrogatory.

ANSWER TO INTERROGATORY NO. 34:

GAF objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response particularly nos. 3, 6, 7, 9 and 12, and on the further grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this Interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 35:

State whether any written memoranda, specification, blueprints or other written materials of any kind or character exist relating to any testing of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19. If so, identify:

- (A) Each such written material or document; and
- (B) The custodian, identity and location of each such written material or document.

ANSWER TO INTERROGATORY NO. 35:

Subject to the objections set forth in the preliminary paragraphs of this Response, and the further objections set forth in the previous interrogatory, this Defendant responds that GAF products were tested for purposes of quality control, and, with respect to sales to Government agencies and departments, such tests were mandatory and performed by the Government itself in many instances. The Government was thus responsible for such testing in such instances. Insofar as this Defendant is aware,

no testing was performed with respect to GAF's industrial thermal insulation products, other than as set forth above.

GAF does not have in its possession documents relating to the testing of its products by, at or for the United States for compliance with mandatory Government specifications, except on a limited or occasional basis. With respect to non-Government documents requested by this interrogatory, no list, compilation, summary or abstract of such documents sought by this interrogatory presently exists in discoverable form.

INTERROGATORY NO. 36:

State whether, after you released to the public any of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19, you ever conducted or directed any tests thereon to determine potential health hazards involved in the use of the materials contained therein.

ANSWER TO INTERROGATORY NO. 36:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response. Subject to that objection, this Defendant responds: no; its products were tested for purposes of quality control, and, with respect to sales to government agencies and departments, such tests were mandatory and performed by the government itself in many instances. Insofar as this Defendant is aware, no testing was performed with respect to this Defendant's asbestos-containing industrial thermal insulation products, other than as set forth above.

In accordance with industry practice and later at the direction of OSHA, tests were to be made in the workplace by the management officials and other employees who were employed by contractors and other sophisticated purchasers of such products.

INTERROGATORY NO. 37:

State whether, prior to 1970, you ever had any labor inspectors or persons from your company go to job sites or other areas where your asbestos products were being used or installed to make a dust level count. If so, indicate when such a practice or procedure began, the purpose of the practice or procedure and what action, if any, was taken by you in response to the findings made as a result of said practice or procedure.

ANSWER TO INTERROGATORY NO. 37:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds: no; job-sites were under the total control of their owners, employers or contractors. This Defendant believes that those owners, employers or contractors present at job sites (on which this Defendant's asbestos-containing industrial thermal insulation products were installed or otherwise used) had a legal duty mandated by state and federal governments to inspect and monitor those job sites, in the manner required by OSHA and other laws, and this Defendant did not have any such legal duty at any time.

INTERROGATORY NO. 38:

State whether you ever conducted or directed any studies designed to learn how to minimize or eliminate the inhalation and ingestion of asbestos dust and fibers by those who use your

asbestos products or are exposed to asbestos dust or fibers therefrom.

ANSWER TO INTERROGATORY NO. 38:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds: no; this Defendant believes that the owners, employers or contractors present at job sites (on which this Defendant's asbestos-containing industrial thermal insulation products were installed or otherwise used) had a legal duty mandated by state and federal governments to inspect and monitor those job sites, in the manner required by OSHA and other laws, and this Defendant did not have any such legal duty at any time.

INTERROGATORY NO. 39:

Identify all trade organizations, associations or other entities to which you belong or belonged. Said organizations, etcetera, include, at a minimum, the following:

Asbestos Textile Institute (ATI); Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF); Mineral Wool Institute; Industrial Mineral Insulation Manufacturers Institute; Magnesia Silica Insulation Manufacturers Association; National Insulation Manufacturers Association (NIMA); Thermal Insulation Manufacturers Association (TIMA); Asbestos Information Association (AIA); Quebec Asbestos Mining Association (QAMA); National Safety Council; Asbestos Cement Producers Association; Refractories Institute.

ANSWER TO INTERROGATORY 39:

This Defendant objects to this Interrogatory on the grounds set forth in preliminary paragraphs of the Response and on the further grounds that it is overly broad and seeks information not calculated to lead to the discovery of admissible evidence, particularly in that it seeks information not relating to asbestos-containing industrial thermal insulation products. Subject to the foregoing objections, as well as the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that, relative to the manufacture of asbestos-containing thermal insulation products, this Defendant was a member of the following industrial groups or organizations listed above:

National Insulation Manufacturer's Association, Inc.
441 Lexington Avenue
New York, New York 10017
Prior to 1962 - 1971

Thermal Insulation Manufacturers Associations
New York, New York
1979 - present

Asbestos Information Association/North America
Suite 914
1660 L Street, N.W.
Washington, D.C. 20036
1971-1977

National Safety Council
New York, New York
Prior to 1966 - present

American Society of Testing Materials
Philadelphia, Pennsylvania
1946 - present

This Defendant is aware of documents reflecting that General Aniline & Film Corporation was a new member of the Industrial Health Foundation, New York, New York 10020, during the years

1945 to 1947, a period when General Aniline & Film Corporation was under government ownership and not even in any aspect of the asbestos business, and further reflecting that The Ruberoid Co. was a new member for a limited period in 1953-1954. GAF does not have any internal documents which reflect actual, as opposed to contemplated, membership at any time. Moreover, this Defendant knows of no evidence that it ever received any IHF documents at any time.

Representatives of this Defendant, of other companies and of the United States Navy served voluntarily on a number of ASTM committees and subcommittees. Specifically, this Defendant's representatives served on subcommittee C-16, which dealt with high temperature thermal insulation, from 1950 to 1971.

At various times in this period, this Defendant's representatives on subcommittee C-16 were J.M. High, Thomas J. Walters, Duane Davis, and William Schwingen. No list of documents relating to this interrogatory exists in discoverable form.

INTERROGATORY NO. 40:

For each trade organization, association or other entity identified in your Answer to Interrogatory No. 39, state:

- (A) Dates of membership;
- (B) Type of membership, i.e., regular or associate;
- (C) The dates and type of meetings you attended and the identity of the individuals who attended such meetings on your behalf;

(D) The identity, title, duties and responsibilities of any individual who held an elected, appointed or self-designated position within said organization, etcetera;

(E) The names of any publications or written materials distributed by or on behalf of said organization, etcetera; and

(F) The identity of the present custodian of all written materials, notes, summaries, minutes or transcripts relating to the transactions and proceedings of said organization, etcetera;

ANSWER TO INTERROGATORY 40:

Subject to the objections set forth in the preliminary paragraphs of this Response, particularly nos. 3, 6, and 12, and subject to the further objection that General Aniline & Film Corporation was not then in any form of asbestos business, this Defendant states:

Representatives of this Defendant, of other companies and of the United States Navy served voluntarily on a number of ASTM committees and subcommittees. Specifically, this Defendant's representatives served on subcommittee C-16, which dealt with high temperature thermal insulation, from 1950 to 1971.

At various times in this period, this Defendant's representatives on subcommittee C-16 were J.M. High, Thomas J. Walters, Duane Davis, and William Schwingen. No list of documents relating to this interrogatory exists in discoverable form.

NIMA minutes were produced previously in the BML-3 litigation.

INTERROGATORY NO. 41:

For each trade organization, association or other entity identified in your Answer to Interrogatory No. 39, identify all studies, tests, research, recommendations, suggestions, seminars, symposia and/or speeches conducted or made which concerned, discussed, addressed or dealt with the actual, alleged or possible health hazards associated with exposure to asbestos.

ANSWER TO INTERROGATORY NO. 41:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that it had no knowledge of such studies or research conducted by these organizations.

INTERROGATORY NO. 42:

With respect to each study, test, research project recommendation, suggestion, seminar, symposium or speech identified in your Answer to Interrogatory No. 41, identify:

- (A) The individuals or groups involved therein;
- (B) The date(s) thereof;
- (C) The complete results thereof;
- (D) The recommendations, if any, which were made as a result thereof; and
- (E) The custodian, identity and location of each document which represents, refers to or contains information relating thereto.

ANSWER TO INTERROGATORY NO. 42:

Not applicable.

INTERROGATORY NO. 43:

Describe each action taken by you as a result of each study, test, research project, recommendation, suggestion, seminar, symposium and/or speech identified in your Answer to Interrogatory No. 41. In your Answer to this Interrogatory, state the date of each action and the identity of the individual(s) who initiated said action.

ANSWER TO INTERROGATORY NO. 43:

Not applicable.

INTERROGATORY NO. 44:

State whether you directed, sponsored, financed, participated in or received the results of any studies and/or tests performed by the Saranac Laboratory of the Trudeau Foundation concerning the human health consequences of exposure to asbestos.

ANSWER TO INTERROGATORY NO. 44:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds, no.

INTERROGATORY NO. 45:

If your Answer to Interrogatory No. 44 is in the affirmative, identify:

(A) All documents in your possession or control which summarize or explain the results of said studies or tests;

(B) All communications, oral or written, between you and Saranac Laboratory personnel, including but not limited to Gerrit W. Schepers, M.D.;

(C) All documents relating to Saranac Laboratory studies or tests which were received or submitted by you, either directly or

indirectly through predecessor(s) in interest, subsidiary(ies) or affiliate(s), if any, through other companies, or through any trade associations, organizations or entities;

(D) All recommendations or findings of such studies in relation to:

(i) adequacy or inadequacy of the threshold limit values;

(ii) the substitution of materials for asbestos; and

(E) The custodian and location of all documents and/or communications identified in your Answer to this Interrogatory.

ANSWER TO INTERROGATORY NO. 45:

Not applicable.

INTERROGATORY NO. 46:

State the amount of money spent or contributed by you annually from 1930 to the present for research of the relationship between exposure to asbestos dusts, fibers and/or products and any pulmonary pathology and identify each person or organization to whom the expenditure or contribution was made.

ANSWER TO INTERROGATORY NO. 46:

This Defendant objects to this Interrogatory on the grounds set forth in preliminary paragraphs to this Response, particularly in that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, this Defendant is not aware that any money was so contributed.

INTERROGATORY NO. 47:

State whether you have ever maintained a library (or libraries) which contains books, articles, periodicals, journals

and/or reference materials that relate to the subjects of asbestos, industrial hygiene, medicine, safety, occupational disease and/or engineering. If so, state:

- (A) The date each such library was established;
- (B) The location of each such library;
- (C) The identity of each librarian or other person in charge of the operation and materials of each such library;
- (D) For whose use each such library was established;
- (E) The title, publisher and dates of subscription to or acquisition of each such periodical or journal for each such library; and
- (F) The title, author, publisher, date and dates of acquisition of each such article and book for each such library.

ANSWER TO INTERROGATORY NO. 47:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that neither GAF Corporation nor The Ruberoid Co. maintained a central corporate library as to occupational safety and health. Any information which did exist was kept by Mr. Harry Mesler while he headed corporate safety for the company from approximately the early 1960's into 1971. Prior to Mr. Mesler's appointment to this position, Ruberoid and GAF employees may have from time to time maintained or possessed personal files containing periodicals and other literature relating to asbestos, its use and qualities.

Mr. Mesler died on August 29, 1972, and the whereabouts of any such information is unknown. The only existing materials

containing such information are in the possession of the GAF Legal Department and the GAF Corporate and Environmental Engineering Department.

INTERROGATORY NO. 48:

State whether any of the co-defendants in asbestos litigation have ever furnished you with any information as to the state of the medical knowledge at any time regarding the relationship between exposure to asbestos dusts, fibers and/or products and the contracting of diseases, including asbestosis, pneumoconiosis, mesothelioma, lung cancer and other cancers.

ANSWER TO INTERROGATORY NO. 48:

This Defendant objects to this Interrogatory for reasons set forth in the preliminary paragraphs of the Response, particularly with respect to the work product rule and on the grounds that the term "state of medical knowledge" is too ambiguous for definitive response. Subject to these objections, GAF responds that it is aware that most if not all of those manufacturers which produced asbestos-containing products placed warnings on their products during the 1960s and 1970s. Until 1972, GAF's use of these warnings followed other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos, from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Following the enactment of the Occupational Safety

and Health Act, GAF was guided by OSHA's findings and other provisions.

GAF identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 49:

If your Answer to Interrogatory No. 48 is in the affirmative, identify:

- (A) How the information was furnished;
- (B) Who furnished said information;
- (C) When said information was given to you; and
- (D) The substance of said information.

ANSWER TO INTERROGATORY NO. 49:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that in approximately 1964 or 1965, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos by users of asbestos-containing products could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968-1969, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that litigation.

INTERROGATORY NO. 50:

State whether, at any time since 1930, you have interchanged, exchanged or communicated, the results of research, tests, studies or experiments regarding the relationship between exposure to asbestos dusts, fibers and/or products and the contracting of diseases, including asbestosis, pneumoconiosis, mesothelioma, lung cancer and other cancers, with any other person, corporation or other business entity, including co-defendants in this action.

ANSWER TO INTERROGATORY NO. 50:

Subject to objections for reasons set forth in preliminary paragraphs of this Response, and to the form of the interrogatory, this Defendant responds: No, this Defendant has not "interchanged, exchanged or communicated the results of any research, tests, studies or experiments. . . with . . . any other business entity. . ." Prior to 1964 or 1965, Ruberoid officials were not aware of any health hazards related to the use of its thermal insulation products. In approximately 1964 or 1965, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos by users of asbestos-containing products could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968 or 1969, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal

Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

INTERROGATORY NO. 51:

If your Answer to Interrogatory No. 50 is in the affirmative, state:

(A) When said interchanges, exchanges or communications occurred;

(B) The identity of those persons, corporations or business entities who participated in said interchanges, exchanges or communications;

(C) The content of said interchanges, exchanges or communications; and

(D) The identity of the custodian of any documents which relate to said interchanges, exchanges or communications.

ANSWER TO INTERROGATORY NO. 51:

Not applicable.

INTERROGATORY NO. 52:

Identify all persons who have testified on your behalf before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any United States congressional committee, sub-committee, administrative hearing or investigative proceeding on the subjects of the human health consequences of exposure to asbestos dusts, fibers and/or products and the setting, modification, feasibility and acceptance of allegedly safe or proper levels of exposure to said asbestos and asbestos products.

ANSWER TO INTERROGATORY NO. 52:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs to this Response, particularly regarding any such testimony given outside of the 1930-1981 time period. Subject to that objection, this Defendant responds:

Robert A. Beber, Executive V.P., General Counsel and Secretary; Subcommittee on Labor and Human Resources, House of Representatives, May 21, 1974; Hearings on Occupational Disease Compensation Act of 1973.

INTERROGATORY NO. 53:

Identify all documents presented to or utilized in the preparation of testimony before the organizations, agencies or committees referred to in Interrogatory No. 52, specifying which documents were presented or utilized for each such body and the present custodian and location of each document.

ANSWER TO INTERROGATORY NO. 53:

This Defendant objects to this Interrogatory for reasons as set forth in Answer to Interrogatory No. 52.

INTERROGATORY NO. 54:

For all testimony or presentations identified in your Answer to Interrogatory No. 52, identify:

(A) The dates and descriptions of the hearings and proceedings;

(B) The relationship between the person who testified or responded and you; and

(C) All studies, test results, scientific and/or medical documents relied upon by each person as the basis for any recommendation made or testimony given;

ANSWER TO INTERROGATORY NO. 54:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs to this Response, particularly regarding any such testimony given outside of the 1930-1981 time period. Subject to that objection, this Defendant responds: Robert A. Beber, Executive V.P., General Counsel and Secretary; Subcommittee on Labor and Human Resources, House of Representatives, May 21, 1974; Hearings on Occupational Disease Compensation Act of 1973.

INTERROGATORY NO. 55:

State your knowledge relating to the meaning of "threshold limit value" as it pertains to asbestos exposure and disease.

ANSWER TO INTERROGATORY NO 55:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response, and for the further reason that this Interrogatory appears to seek the present corporate knowledge of this Defendant. Subject to these objections, this Defendant response as follows:

A "threshold limit value" or "TLV" of 5 million particles per cubic foot was proposed by the United States Public Health Services in 1938. The American Conference of Governmental and Industrial Hygienists issued the same TLV in 1946.

In the 1960s, the Walsh-Healy Act endorsed and enacted the standard of 5 m. particles per cubic foot. In 1972, OSHA set

standards for the threshold limit value for asbestos particles. The acceptable standard was five fibers per cc for TWA (time weight average) and ten fibers per cc for peak time. In 1976, the standard changed to two fibers per cc for TWA; the asbestos exposure did not change.

INTERROGATORY NO. 56:

With reference to "threshold limit value" (which, for purposes of this interrogatory, means how much asbestos dust and/or fibers one can safely inhale, absorb or ingest without risk of disease or illness), state:

(A) When and by what means you obtained information related thereto;

(B) The substance of any information imparted to you regarding the same; and

(C) Whether and by what means you advised or warned anyone of details relating thereto.

ANSWER TO INTERROGATORY NO. 56:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs of this Response and on the grounds that it seeks expert opinion beyond the scope of Maryland Rule 2-402(e). Subject to these objections, this Defendant responds that, prior to 1964 or 1965, Ruberoid officials were not aware of any health hazard related to the use of its asbestos-containing industrial thermal insulation products.

In the 1960's, industrial and governmental hygienists and the Walsh-Healy Act endorsed and enacted the standard of 5 m.

particles per cubic foot and in approximately 1964 or 1965, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos in excessive quantities from certain insulation products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing warnings. In approximately 1968 or 1969, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation. In 1972, OSHA set standards for the Threshold Limit Value ("TLV") for asbestos particles. The acceptable standard was five fibers per cc for TWA (time weight average) and ten fibers per cc for peak time. In 1976, the standard changed to two fibers per cc for TWA; the peak time asbestos exposure did not change.

In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT

POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products

POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products

containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above. Other than as set forth above, this Defendant became aware of the medical theories related to "threshold limit values" in connection with litigation.

INTERROGATORY NO. 57:

State whether you ever knew that any governmental, private agency, and/or other entity issued guidelines suggesting a "threshold limit value" (as defined in Interrogatory No. 56) for exposure to asbestos dust and/or fibers. If so, state:

(A) The identity of the agency or other entity which issued said guidelines;

(B) The verbatim content of said guidelines;

(C) The date said guidelines were issued;

(D) The date you were first aware of the purpose of said guidelines; and

(E) The custodian, location and identity of all documents related thereto.

ANSWER TO INTERROGATORY NO. 57:

This Defendant objects to this Interrogatory for reasons set forth in the preliminary paragraphs of this Response and on the further ground that the so called definition of "threshold limit value" designated in the previous interrogatory requires medical knowledge which this Defendant did not possess or purport to possess to the extent such definition is meaningful at all.

Subject to those objections, this Defendant responds that is became aware of the medical meaning of TLV in the course of litigation. This Defendant further answers that a TLV of 5 million particles per cubic foot was proposed by the United States Public Health Service in 1938. The American Conference of Governmental Industrial Hygienists issued the same TLV in 1946.

In the 1960s, the Walsh-Healy Act endorsed and enacted the standard of 5 m. particles per cubic foot. In 1972, OSHA set standards for TLV for asbestos particles at five fibers per cc for TWA (time weight average) and ten fibers per cc for peak time. In 1976, the standard changed to two fibers per cc for TWA; the peak time asbestos exposure did not change.

INTERROGATORY NO. 58:

State whether you ever possessed knowledge of documents indicating that existing or proposed threshold limit values (as defined in Interrogatory No. 56) were not safe or proper or that lower threshold limit values were necessary in order to prevent diseases caused by exposure to asbestos. If so, identify:

- (A) The source of such knowledge;
- (B) The persons who obtained such knowledge;
- (C) All documents relating thereto; and
- (D) The custodian and location of all documents identified in your Answer to Part (C) of this Interrogatory.

ANSWER TO INTERROGATORY NO. 58:

This Defendant objects to this Interrogatory on grounds set forth in preliminary paragraphs of this Response and on the further grounds that it inaccurately and improperly assumes the

existence of knowledge, events and conclusions which did not and do not exist. Subject to these objections, this Defendant responds, no.

INTERROGATORY NO. 59:

State whether you were ever made aware that the proper method for determining safe levels of asbestos dust was to test concentrations of asbestos fibers in the air rather than the total number of asbestos particles in the air. If so, state:

- (A) The source of such knowledge;
- (B) The persons who obtained such knowledge;
- (C) All documents relating thereto; and
- (D) The custodian and location of all documents identified in your Answer to Part (C) of this Interrogatory.

ANSWER TO INTERROGATORY NO. 59:

This Defendant objects to this Interrogatory on grounds set forth in preliminary paragraphs of this Response and on the further grounds that it inaccurately and improperly assumes the existence of knowledge, events and conclusions which did not and do not exist.

INTERROGATORY NO. 60:

State in detail what tests or studies, if any, you ever conducted or directed with regard to the quantity, quality, or threshold limit values (as defined in Interrogatory No. 56) of asbestos dust, fibers or particles to which insulators and others who use your asbestos products and/or others working in the same vicinity are exposed.

ANSWER TO INTERROGATORY NO. 60:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs of this Response. Subject to those objections, this Defendant responds that the job sites (on which the asbestos containing industrial thermal insulation products were used) were under the exclusive control of their owners, employers and contractors, who had a legal duty to conduct various tests and monitoring. Furthermore, this Defendant was not present at such jobsites and did not have a legal duty to conduct dust monitoring at jobsites where its asbestos-containing industrial thermal insulation products were applied.

INTERROGATORY NO. 61:

State in detail what research, tests or studies, if any, you ever conducted or directed to determine whether the exposure of insulation workers or others to asbestos dust exceeded the American Conference of Governmental Industrial Hygienists' (A.C.G.I.H.) recommended threshold limit values.

ANSWER TO INTERROGATORY NO. 61:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs of this Response. Subject to those objections, this Defendant responds that the jobsites (on which the asbestos containing industrial thermal insulation products were used) were under the exclusive control of their owners, employers and contractors, who had a legal duty to conduct various tests and monitoring. Furthermore, this defendant was not present at such jobsites and did not have a

legal duty to conduct dust monitoring at jobsites where its asbestos-containing industrial thermal insulation products were applied.

INTERROGATORY NO. 62:

State in detail what steps, if any, you ever took to determine whether the American Conference of Governmental Industrial Hygienists' (A.C.G.I.H.) recommended threshold limit values for exposure to asbestos dust were accurate or reliable.

ANSWER TO INTERROGATORY NO. 62:

This Defendant had no reason to question the accuracy or reliability of threshold limit values promulgated by the A.C.G.I.H.; therefore, none.

INTERROGATORY NO. 63:

State your knowledge relating to the meaning of "dose response relationship" as it pertains to exposure to asbestos dusts, fibers and/or products and the contracting of disease, including asbestosis, pneumoconiosis, mesothelioma, lung cancer and other cancers.

ANSWER TO INTERROGATORY NO. 63:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs of this Response and on the grounds that it seeks expert opinion beyond the scope of Maryland Rule 2-402(e).

INTERROGATORY NO. 64:

State whether you have ever placed any warranties, guarantees or other such representations on any asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 and/or on or in the

INTERROGATORY NO. 66:

State whether the content and/or placement of any warranty, guarantee or other representation described in your Answer to Interrogatory Nos. 64 and 65 was ever changed. If so, for each such change, identify:

(A) The nature of the change, including a verbatim description, if applicable;

(B) The date when the change was made and the inclusive dates during which such change appeared on or with the product and/or on or in the container or package;

(C) The persons with personal knowledge of the reasons for making the change; and

(D) The custodian of documents in your custody, possession or control which relate to the decision and process of making the change.

ANSWER TO INTERROGATORY NO. 66:

Not applicable.

INTERROGATORY NO. 67:

State when and by what means you became aware of the alleged hazards of exposure to asbestos dusts, fibers and/or products to the health of persons coming into contact with, handling or using asbestos products.

ANSWER TO INTERROGATORY NO. 67:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that prior to 1964 or 1965, Ruberoid officials were not aware of health hazards from asbestos to users or handlers of its asbestos-

containing industrial thermal insulation products. In approximately 1964 or 1965, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos in excessive quantities from certain products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968 or 1969, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for

Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

INTERROGATORY NO. 68:

State when and by what means you became aware that exposure to asbestos dusts, fibers and/or products was acknowledged to be hazardous to the health of persons coming in contact with, handling or using asbestos products.

ANSWER TO INTERROGATORY NO. 68:

Subject to objections for reasons set forth in preliminary paragraphs of this Response, and to the form of the Interrogatory, this Defendant responds: prior to 1964 or 1965, Ruberoid officials were not aware of health hazards from asbestos to users or handlers of its asbestos-containing industrial thermal insulation products. In approximately 1964 or 1965, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos in excessive quantities from certain products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968 or 1969, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

INTERROGATORY NO. 69:

State whether you ever learned that there is a causal connection between exposure to asbestos dust and:

- (A) Asbestosis;
- (B) Pneumoconiosis;
- (C) Lung Cancer;
- (D) Mesothelioma; and
- (E) Other cancers.

ANSWER TO INTERROGATORY NO. 69:

This Defendant objects to this Interrogatory for reasons set forth in the preliminary paragraphs of this Response. This Defendant further objects on the ground that the term "pneumoconiosis" is too vague to be meaningful, and on grounds of repetitiveness. Subject to those objections this Defendant says it became aware of medical theories which related asbestos exposure to pneumoconiosis only during the course of asbestos litigation.

Further answering this Interrogatory, GAF says it became aware of opinions expressed by some members of the medical profession that there might be a health risk to some persons who install thermal insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions, although the knowledge did not relate specifically to the use of GAF products. The health risk may have involved asbestosis, although this defendant became aware of medical theories which related asbestos

exposure to the medical disease of asbestosis during the course of asbestos litigation.

INTERROGATORY NO. 70:

If your Answer to Interrogatory No. 69 is in the affirmative, identify the following as to each such disease listed therein:

(A) When and by what means you first became aware of such causal connection;

(B) If your awareness of such causal connection was obtained at any conference, lecture, convention, symposium, or other such meeting, identify the event, the person who attended on your behalf and/or any documents obtained from such event; and

(C) If your awareness of such causal connection was obtained from a medical or scientific study, or from any other published works, identify the same.

ANSWER TO INTERROGATORY NO. 70:

This Defendant asserts its general objections as set forth in the preliminary paragraphs of this Response and, specifically objects because the Interrogatory calls for this Defendant to agree or disagree with a matter of opinion, which it is not required to do.

Without waiving these objections, this Defendant responds that in approximately 1964, GAF became aware of opinions expressed by some members of the medical profession that there might be a health risk to some persons who install thermal insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions, although the knowledge did not

relate specifically to the use of GAF products. The health risk may have involved asbestosis, although this Defendant became aware of medical theories which related asbestos exposure to the medical disease of asbestosis, pneumoconiosis, lung cancer, mesothelioma, and other cancers during the course of asbestos litigation.

INTERROGATORY NO. 71:

State whether you ever specifically informed the purchasers and/or users of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 that exposure to asbestos dust could cause asbestosis, pneumoconiosis, lung cancer, mesothelioma and/or other cancers. If so, state:

- (A) The date(s) of such notice to purchasers or users;
- (B) The means used for transmittal of such notice;
- (C) The custodian, identity and location of each document which refers to or contains information relevant to such notice; and
- (D) The identity of each person who made decisions regarding the furnishing of such notice to purchasers and/or users.

ANSWER TO INTERROGATORY NO. 71:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that, in approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

INTERROGATORY NO. 72:

State whether you ever specifically informed the distributors identified in your Answer to Interrogatory No. 20 and/or those identified in your Answer to Interrogatory No. 21 who resold or redistributed your asbestos products that exposure to asbestos dust could cause asbestosis, pneumoconiosis, lung cancer, mesothelioma and/or other cancers. If so, state:

- (A) The date(s) of such notice;
- (B) The means used for transmittal of such notice;
- (C) The custodian, identity and location of each document which refers to or contains information relevant to such notice; and
- (D) The identity of each person who made decisions regarding the furnishing of such notice to distributors and/or those engaged in the resale or redistribution of your asbestos products.

ANSWER TO INTERROGATORY NO. 72:

Subject to the objections set forth in preliminary paragraphs of this Response, this Defendant responds: not applicable; this Defendant did not have distributors, as used in this interrogatory.

INTERROGATORY NO. 73:

State whether you ever provided any caution, notice, warning or other statement or explanation of the potential health hazards of exposure to asbestos on or with the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19.

ANSWER TO INTERROGATORY NO. 73:

Yes.

INTERROGATORY NO. 74:

If your Answer to Interrogatory No. 73 is in the affirmative, state as to each product identified in your Answer to Interrogatory Nos. 8 and 19:

(A) The date(s) on which such caution, notice, warning or other statement or explanation first appeared;

(B) The identity of each person with knowledge of decisions made regarding the use of such caution, notice, warning or other statement or explanation;

(C) The verbatim content of each caution, notice, warning or other statement or explanation when it was first used;

(D) Whether the caution, notice, warning or other statement or explanation was ever altered, amended or changed. If so, how, when and why was it altered, amended or changed; and

(E) The location of the caution, notice, warning or other statement or explanation on each such product and/or its container or package.

ANSWER TO INTERROGATORY NO. 74:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that GAF complied with Government specifications concerning product form, content, packaging and labeling for products to be used in Government-owned and sponsored projects and facilities. In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

No list or other compilation of documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 75:

State when you first became aware that asbestos products were being labeled with a caution, warning, notice or other statement or explanation concerning the potential health hazards resulting from the use of asbestos products and/or exposure to asbestos dust or fibers and identify the product(s) and manufacturer(s) with which such label was connected.

ANSWER TO INTERROGATORY NO. 75:

This Defendant objects to this Interrogatory for reasons set forth in the preliminary paragraphs of this Response. Subject to those objections, this Defendant states that on or around April 14, 1964, W.G. Neel of The Ruberoid Co. attended a meeting of the Board of Directors of NIMA, in Chicago, Illinois; at that time, the Ruberoid Co. first learned that Johns-Manville Corporation was commencing to place a warning on some or all of its asbestos-containing products. In 1968, Phillip Bettoli attended a conference at which health aspects were discussed. In addition, GAF complied with Government specifications concerning product form, content, packaging and labeling for products to be used in Government-owned and sponsored projects and facilities. Until 1972, GAF's use of these warnings followed other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that

there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos, from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions.

INTERROGATORY NO. 76:

Identify the officer, agent, servant, employee or other representative of yours who first obtained an awareness that asbestos products were being labeled as described in Interrogatory No. 75.

ANSWER TO INTERROGATORY NO. 76:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant states that it does not possess the information requested by this interrogatory, except for W.G. Neel.

INTERROGATORY NO. 77:

Identify the custodian, identity and location of all documents related to the knowledge obtained by you regarding the labeling of asbestos products as described in Interrogatory No. 75.

ANSWER TO INTERROGATORY NO. 77:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendants states that no list or other compilation of documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 78:

State when and by what means you first became aware that Johns-Manville Corporation or any of its affiliated companies placed on its asbestos products a caution, warning, notice, other statement or representation concerning the potential health hazards resulting from the use of asbestos products and/or exposure to asbestos dust or fibers.

ANSWER TO INTERROGATORY NO. 78:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant states that in approximately 1964, probably by way of Ruberoid's membership in NIMA.

INTERROGATORY NO. 79:

Identify the officer, agent, servant, employee or other representative of yours who first became aware that asbestos products of Johns-Manville Corporation or its affiliated companies were being labeled as described in Interrogatory No. 78.

ANSWER TO INTERROGATORY NO. 79:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant states that it does not possess the information requested by this Interrogatory, except for W.G. Neel.

INTERROGATORY NO. 80:

Identify the custodian, identity and location of all documents related to the knowledge obtained by you regarding the labeling of asbestos products by Johns-Manville Corporation or its affiliated companies as described in Interrogatory No. 78.

ANSWER TO INTERROGATORY NO 80:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant states that no list or other compilation of documents relating to this Interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 81:

If upon learning that Johns-Manville Corporation or its affiliated companies labeled its asbestos products as described in Interrogatory No. 78 you did not apply such labels to the products identified in your Answer to Interrogatory Nos. 8 and 19, state:

(A) The reason(s) for such a decision;

(B) The identity of any agent, servant, employee, officer or representative of yours involved in discussions and decisions regarding the same; and

(C) The custodian, identity and location of all documents pertaining to such a decision.

ANSWER TO INTERROGATORY NO. 81:

Subject to the objections set forth in the preliminary paragraphs of this Response, this Defendant responds that in approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST.
BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

No list or other compilation of documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO. 82:

State whether you specifically informed your employees, agents, servants and/or contract units that use of asbestos products and/or exposure to asbestos dust or fibers was either actually or alleged to be hazardous to their health.

ANSWER TO INTERROGATORY NO. 82:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response.

INTERROGATORY NO. 83:

If your Answer to Interrogatory No. 82 is in the affirmative, state:

(A) When and in what manner you first provided such information to these persons;

(B) The identity of any agent, servant, employee, officer or representative of yours involved in discussions and decisions regarding providing information to these persons;

(C) The verbatim content of any written documents and/or communications containing such information; and

(D) The custodian, identity and location of all documents which relate or pertain to providing such information to these persons.

ANSWER TO INTERROGATORY NO. 83:

Not applicable.

INTERROGATORY NO. 84:

Describe in detail any precautionary procedures which you urged or required your employees, agents, servants and/or contract units to follow so as to reduce and/or avoid the potential hazards or dangers associated with use of asbestos products and/or exposure to asbestos dust or fibers and state when and how each such procedure was introduced to these individuals.

ANSWER TO INTERROGATORY NO. 84:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response.

INTERROGATORY NO. 85:

State whether you ever required your employees, agents, servants and/or contract units who worked with and around asbestos and/or asbestos products to wear respirators, gas masks, protective clothing and/or other protective devices. If so, state:

(A) Which employees, agents, servants and/or contract units, by type of employment and department, were required to use each such protective device;

(B) The date(s) on which the directive relative to each such protective device was issued for each type of employee and each department;

(C) Which type of protective device was required to be used or worn by each type of employee and each department;

(D) The identity of any agent, servant, employee, officer or representative of yours involved in discussions and decisions regarding the same; and

(E) The custodian, identity and location of all documents pertaining to protective devices.

ANSWER TO INTERROGATORY NO. 85:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response.

INTERROGATORY NO. 86:

State whether at the commencement of an individual's employment with you, from 1930 to the present, you inform that person as to possible health ramifications of working with and around asbestos fibers, dust and/or products. If so, set forth:

- (A) The nature of the warning;
- (B) The manner in which said information is communicated and, if the communication is in writing, attach a copy hereto;
- (C) When such practice was initiated; and
- (D) By whom such information is communicated.

ANSWER TO INTERROGATORY NO. 86:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response.

INTERROGATORY NO. 87:

State whether, based upon the material contents, the manufacturing methods and the method of application or installation of your asbestos products, your asbestos products can generally be applied by an insulator or others without liberating asbestos fibers.

ANSWER TO INTERROGATORY NO. 87:

In addition to the objections set forth in the preliminary paragraphs of this Response, this Defendant further objects to this Interrogatory on the grounds that it seeks expert opinion beyond the scope of Maryland Rule 2-402(e). In addition, this Defendant objects to this interrogatory in that it is impossible and unduly burdensome for Defendants to "prove a negative" and

that it is Plaintiffs' burden to prove that any use of Defendants' products created a health hazard.

INTERROGATORY NO. 88:

State whether it was foreseeable to you that your asbestos-containing insulation products would have to be removed, stripped or replaced at any time after installation.

ANSWER TO INTERROGATORY NO. 88:

This Defendant objects to this Interrogatory for reasons set forth in preliminary paragraphs of this Response. This Defendant further states that the question calls for a legal conclusion.

INTERROGATORY NO. 89:

State whether you ever provided insulators and others who would be applying or removing your asbestos products instructions concerning safety precautions to use during use of or exposure to such products.

ANSWER TO INTERROGATORY NO. 89:

Yes; the warning label on packaging of products.

INTERROGATORY NO. 90:

State when you first received notice that any person was claiming injury as a result of use of and/or exposure to asbestos products identified in your Answer to Interrogatory Nos. 8 and 19.

ANSWER TO INTERROGATORY NO. 90:

This Defendant objects to this Interrogatory on the grounds set forth in preliminary paragraphs of this Response and on the further ground that Plaintiffs seek information which is a matter of public record and, therefore, equally available to Plaintiffs.

Subject to this objection, GAF responds that the first asbestos-related lawsuit by such a person naming GAF as a defendant was Potter v. Fibreboard, et al. (U.S.D.C. E.D. Texas; CV 7329; filed July 29, 1969).

INTERROGATORY NO. 91:

With regard to the first notice of claim of injury described in your Answer to Interrogatory No. 90 and regarding all claims filed prior to 1970 for injury resulting from use of and/or exposure to asbestos products, state:

- (A) The identity of each claimant;
- (B) The date of notice of each claim;
- (C) A description of each claim;
- (D) The type of injury allegedly sustained by each claimant;
- (E) The identity of each attorney representing the individuals making such claims;
- (F) The style, case number and court applicable to each claim;
- (G) The resolution of each claim; and
- (H) The custodian, identity and location of all documents which relate or pertain to each claim.

ANSWER TO INTERROGATORY NO. 91:

This Defendant objects to this Interrogatory on the grounds set forth in preliminary paragraphs of this Response and on the further ground that Plaintiffs seek information which is a matter of public record and, therefore, equally available to Plaintiffs. Subject to this objection, GAF responds that the first asbestos-related lawsuit by such a person naming GAF as a defendant was

Potter v. Fibreboard, et al. (U.S.D.C. E.D. Texas; CV 7329; filed July 29, 1969).

INTERROGATORY NO. 92:

State whether, prior to 1970, any person filed a claim against any worker's compensation insurance carrier which provided coverage for you alleging that he or she contracted a disease as a result of use of and/or exposure to asbestos products identified in your Answer to Interrogatory No. 90.

ANSWER TO INTERROGATORY NO. 92:

This Defendant objects to this interrogatory on the grounds set forth in preliminary paragraphs of this Response and on the grounds that this action does not involve workers' compensation claims or other claims regarding occupational workplace exposure and further that documents of workers' compensation claims are uniformly excluded from evidence and not calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 93:

If your Answer to Interrogatory No. 92 is in the affirmative, provide the following information:

(A) A list of each such claim by claimant's name, date claim filed and jurisdiction; and

(B) A brief summary of the disposition of each such claim.

ANSWER TO INTERROGATORY NO. 93:

Not applicable.

INTERROGATORY NO. 94:

State whether you ever received any reports or communications from your worker's compensation insurance carrier or products

liability insurance carrier with regard to potential health hazards incident to use of asbestos products and/or exposure to asbestos fibers or dust.

ANSWER TO INTERROGATORY NO. 94:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs of this Response.

INTERROGATORY NO. 95:

If your Answer to Interrogatory No. 94 is in the affirmative, state:

(A) The substance of the contents of such reports or communications;

(B) The identity of the insurance carrier from which you received each report or communication;

(C) The dates of each such report or communication; and

(D) The custodian, identity and location of all documents which relate or pertain to such reports or communications.

ANSWER TO INTERROGATORY NO. 95:

Not applicable.

INTERROGATORY NO. 96:

State whether you ever maintained or operated a unit or units of your corporation, including, but not limited to, divisions, subsidiaries or any other entity, which was/were under contract to apply or install the asbestos products described in your Answer to Interrogatory Nos. 8 and 19.

ANSWER TO INTERROGATORY NO. 96:

No.

INTERROGATORY NO. 97:

If your Answer to Interrogatory No. 96 is in the affirmative, identify any and all claims filed by workers in such contract units for disease arising out of use of asbestos products and/or exposure to asbestos fibers or dust and, as to each such claim, state:

- (A) The date on which you first received notice;
- (B) The identity of the claimant;
- (C) The nature of the claim;
- (D) The style, case number and jurisdiction;
- (E) The resolution of the claim; and
- (F) The custodian, identity and location of all documents which relate or pertain to each claim.

ANSWER TO INTERROGATORY NO. 97:

Not applicable.

INTERROGATORY NO. 98:

Identify any and all insurance agreements entered into by and between any person carrying on an insurance business and you which may be available to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse you for payments made to satisfy the judgment. As to each such agreement, identify the insurance carrier, the amount of coverage and the applicable dates of coverage.

ANSWER TO INTERROGATORY NO. 98:

This Defendant objects to this Interrogatory on the grounds that it requests information which is irrelevant to any issue in

the instant case. On January 7, 1987, this Defendant entered the Asbestos Claims Facility, Princeton, New Jersey.

INTERROGATORY NO. 99:

Describe the method by which you have maintained records concerning the manufacture, sale, advertising, distribution, delivery and installation of each of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19.

ANSWER TO INTERROGATORY NO. 99:

This Defendant objects to this Interrogatory on the grounds set forth in the preliminary paragraphs to this Response and more particularly on the grounds that it is overly broad and vague and further on the grounds that the manner in which GAF records are maintained is irrelevant, not likely to lead to the discovery of admissible evidence and requests privileged information. Subject to the foregoing objections, GAF responds that it does not have a defined method of accession to all its retained records.

INTERROGATORY NO. 100:

With regard to the record-keeping method described in your Answer to Interrogatory No. 99, identify:

(A) Each present and former corporate department, division or subdivision responsible for maintaining the records;

(B) How the records are kept, e.g., in boxes, files, on microfilm, microfiche or computer tape or disk;

(C) The inclusive dates of manufacture, sale, advertising, distribution, delivery and installation that the record keeping system covers;

(D) The location(s) where such records are maintained; and

(E) The identity of each person employed by you at any time from 1930 to the present, in the highest supervisory capacity, who is or was directly responsible for the collection and maintenance of such records.

ANSWER TO INTERROGATORY NO. 100:

This Defendant incorporates its objections as set forth in the preliminary paragraphs to this Response and in its Answer to Interrogatory No. 99. Subject to these objections, this Defendant responds:

(A) Michael Baker is the present Records Retention Manager. GAF objects to identifying former persons responsible for record maintenance on the grounds of relevance. Subject to this objection, this Defendant states that record-keeping methods vary according to the operational, financial, and legal requirements of the corporation.

(B) This Defendant objects to this subpart, particularly on grounds that the manner in which GAF records are maintained is irrelevant, not likely to lead to the discovery of admissible evidence and, in addition, requests privileged information. Subject to the foregoing objections, GAF responds that all records which would be discoverable are maintained in their original form.

(C) This Defendant objects to this subpart as overly broad and vague. Subject to this objection, GAF states that it does not have a master list of all its business records, nor does it have a defined method of accession to all its retained records.

(D) GAF's documents are presently located at GAF's repositories in Wayne, New Jersey and Linden, New Jersey. Documents have been retained at East Brunswick, New Jersey, but is believed that all of these documents have been transferred to Wayne. There may be, in addition, certain other locations at which GAF documents are located.

(E) See response to (A).

INTERROGATORY NO. 101:

If the record keeping system described in your Answer to Interrogatory No. 99 includes use of microfilm, microfiche, computer tape or disk or any other system in which data is taken from other records, state whether you have retained the documents or other material from which the information entered into these modes of storage was obtained. If not, indicate:

(A) The date when and location where the original records were destroyed or discarded;

(B) The custodian and location of the records prior to their destruction; and

(C) The identity of each employee, representative, official or agent of yours who ordered, authorized or supervised said destruction.

ANSWER TO INTERROGATORY NO. 101:

See Answers to Interrogatory Nos. 99 and 100.

INTERROGATORY NO. 102:

State whether, at any time from 1930 to the present, you made any representations that the presence of asbestos in the products identified in your Answer to Interrogatory Nos. 8 and 19 made

these products superior, in any way, to any asbestos-free product or material intended for the same or similar use.

ANSWER TO INTERROGATORY NO. 102:

No, not to our knowledge.

INTERROGATORY NO. 103:

If your Answer to Interrogatory No. 102 is in the affirmative, indicate with respect to each such representation:

- (A) The date(s) on which the representation was made;
- (B) Its exact content; and
- (C) The manner in which it was communicated.

ANSWER TO INTERROGATORY NO. 103:

Not applicable.

INTERROGATORY NO. 104:

State whether, at any time from 1930 to the present, you made any representations that the use of asbestos or the use of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 was safe, harmless or not dangerous.

ANSWER TO INTERROGATORY NO. 104:

No, not to our knowledge.

INTERROGATORY NO. 105:

If your Answer to Interrogatory No. 104 is in the affirmative, indicate as to each such representation:

- (A) The date(s) on which the representation was made;
- (B) Its exact content; and
- (C) The manner in which it was communicated.

ANSWER TO INTERROGATORY NO. 105:

Not applicable.

mary of the grounds for each opinion and produce any written report made by each expert concerning those findings and opinions.

ANSWER TO INTERROGATORY NO. 109:

This Defendant may call as witnesses the following experts:

Harry Demopoulis, M.D.
State of the Art
Medical testimony

Dr. Forde McIver
State of the Art
Medical testimony

Joseph Miller, M.D.
State of the Art
Medical testimony

Herman Miller
Economist

Oscar Auerbach, M.D.
State of the Art
Medical testimony

Peter B. Terry, M.D.
Medical testimony

H. Corwin Hinshaw, M.D.
State of the Art

Melvin S. Tockman, M.D., Ph.D.
Medical testimony

Dr. Lee Reichman
State of the Art

Stanley Siegelman, M.D.
Medical testimony

Robert A. Wise, M.D.
Medical testimony

Charles O'Donovan, M.D.
Medical testimony

Thomas P. Kennedy, M.D.
Medical testimony

Calvin Fuhrmann, M.D.
Medical testimony

Arthur Serpick, M.D.
Medical testimony

Jack Nissim, M.D.
Medical testimony

Paul Wheeler, M.D.
Medical testimony

John E. Craighead, M.D.
Medical testimony

Joseph C. Eggleston, M.D.
Medical testimony

Edward Gaensler, M.D.
Medical testimony

INTERROGATORY NO. 110:

With regard to expert witnesses identified in your Answer to Interrogatory No. 109, identify by case name, date, court and case number any deposition or testimony given by each such expert and state the custodian and location of transcripts thereof.

ANSWER TO INTERROGATORY NO. 110:

In addition to the objections set forth in the preliminary paragraphs of this Response, this Defendant further objects to this Interrogatory on the grounds that it seeks information beyond the scope of discovery and beyond the requirements of Maryland Rule 2-402(e). Moreover, the Interrogatory seeks to require this Defendant to prepare work product and turn it over to the Plaintiffs and would unduly burden Defendant's counsel. Subject to this objection, this Defendant replies that Dr. Joseph Miller testified in Stice v. Johns-Manville, U.S.D.C. Md. (1983) and Patterson et al. v. Johns-Manville, U.S.D.C. Md. (1984). In addition, the Defendant will rely upon the following authorities at the trial of these cases:

Lanza, A.J., McConnell, W.J., and Fehnel, J.W., "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers", Public Health Report, Vol. 50, 1935.

Dreesen, W.C., "A Study of Asbestosis in the Asbestos Textile Industry", U.S. Treasury Dept., Public Health Service, Bulletin No. 241, (1938).

Fleischer, W.E., Viles, F.J., R.L. Gade, and P. Drinker, "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", "Journal of Industrial Hygiene and Toxicology", 1946.

Selikoff, I.J., Churg, J., and Hammond, E.D., "The Occurrence of Asbestosis Among Insulation Workers in the United States", Annals of the New York Academy of Sciences, Vol. 132, pp. 139-155 (1965).

INTERROGATORY NO. 111:

Identify each person who has testified on your behalf at trial or by deposition in a case alleging asbestos-related injury, state the custodian and location of transcripts thereof, and set forth the case name, number, court and date with respect to each proceeding in which the witness testified.

ANSWER TO INTERROGATORY NO. 111:

A complete and separate list already has been provided to Plaintiffs' counsel.

INTERROGATORY NO. 112:

State whether you contend that asbestos products can be manufactured or treated so as to eliminate all potential health hazards to workers who use asbestos products and/or are exposed to asbestos fibers or dust. If so, explain in detail the factual basis for this contention.

ANSWER TO INTERROGATORY NO. 112:

In addition to the objections set forth in the preliminary paragraphs of this Response, this Defendant further objects to this Interrogatory on the grounds that it seeks expert opinion beyond the scope of Maryland Rule 2-402(e).

INTERROGATORY NO. 113:

State whether you contend that any person or business entity not presently a party to this action is responsible in whole or in part for any of the plaintiff's(s') damages. If so, identify each such person or business entity and state the facts which form the basis for each such contention.

ANSWER TO INTERROGATORY NO. 113:

Subject to the operations set forth in the preliminary paragraphs of this Response and without asserting that any Plaintiffs' injuries, if any, constitute a cause of action against any person or entity, but assuming responsibility as alleged in this Interrogatory, this Defendant states that possibly several companies, some of whom are currently in bankruptcy, may

be responsible, for the reasons as set forth in Plaintiffs' complaints, including, but not limited to: Johns-Manville Corporation; Unarco; Wallace and Gale; Amatex; Forty-eight Insulation; and, Bethlehem Steel Corporation.

Furthermore, asbestos-containing thermal insulation products were sold and supplied to the United States specifically for use by or at the discretion of the United States Government in government sponsored and government-controlled projects and facilities. The government, its departments and agencies, required that this Defendant meet such specifications as a condition to the sale of products to be used for government-owned, controlled and sponsored projects and facilities. The government further required, explicitly and implicitly, that this Defendant include asbestos in such thermal insulation products.

Additionally, the federal, state and municipal governments were solely responsible for setting all product content, performance, packaging and labeling specifications applicable to all products it purchased or procured. Such specifications were promulgated and enforced within the sole determination and discretion of the government. Accordingly, these entities were also responsible. Also, owners, employers, and contractors at the jobsites (on which this Defendant's products were used) had exclusive control of those jobsites, were sophisticated purchasers of this defendant's products, had a duty under OSHA and otherwise to monitor those jobsites, and they had responsibility for safety and good work practices thereon.

INTERROGATORY NO. 114:

State whether you contend that asbestos products are not inherently dangerous. If so, state all facts and documents which form the basis for such a contention.

ANSWER TO INTERROGATORY NO. 114:

In addition to the objections set forth in the preliminary paragraphs of this Response, this Defendant further objects to this Interrogatory on the grounds that it seeks expert opinion beyond the scope of Maryland Rule 2-402(e).

INTERROGATORY NO. 115:

State whether you contend that you did not have a duty to warn users of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19 of the hazards and risks of use of and exposure thereto. If so, state all facts and identify all documents which form the basis for such a contention.

ANSWER TO INTERROGATORY NO. 115:

This Defendant objects to this Interrogatory for the reasons set forth in the preliminary paragraphs to this Response and further objects on the grounds that the interrogatory is vague regarding the meaning of the words exposure to asbestos, seeks legal conclusions and expert opinion. Further, this Defendant objects to the interrogatory inasmuch as it assumes that a "hazard" or "risk" was posed to anyone at Bethlehem Steel Corporation or at any other jobsite by any product supplied thereto by this Defendant. Without waiving these objections, Defendant responds:

GAF complied with Government specifications concerning product form, content, packaging and labeling for products to be used in Government-owned and sponsored projects and facilities.

In approximately 1964, The Ruberoid Co. began placing the following warning labels on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

By 1970, GAF placed the following warning labels on asbestos fiber, insulation cements, millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipecovering and block products from the sides to the front of the carton. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST.
BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

Until 1972, GAF's use of these warnings followed the lead of other manufacturers in the industry which used such cautionary notices after some opinions were expressed by members of the medical profession that there might be a health risk to some persons who installed thermal industrial insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

GAF products were tested for purposes of quality control and, with respect to sales to Government agencies and departments, such tests were mandatory and performed by the Government itself in many instances. The Government was thus responsible for such testing in such instances.

GAF does not have in its possession documents relating to the testing of its products by, at or for the United States for compliance with mandatory Government specifications, except on a limited or occasional basis. With respect to non-Government documents requested by this interrogatory, no list, compilation, summary or abstract of such documents sought by this interrogatory presently exists in discoverable form.

In accordance with industry practice and later at the direction of OSHA, tests were to be made in the workplace by the management officials and other employees who were employed by sophisticated purchasers of such products. Furthermore, currently applicable ambient air testing methods and equipment were not available during the time periods involved in this case. No testing was performed with respect to GAF's industrial thermal insulation products, other than as set forth above.

No list, compilation, summary or abstract of the documents relating to this interrogatory exists in discoverable form; this Defendant identifies William Schwingen and Phillip Bettoli as persons having knowledge.

INTERROGATORY NO 116:

State whether you contend that you performed adequate tests of the safety of the asbestos products identified in your Answer to Interrogatory Nos. 8 and 19. If so, state all facts and identify all documents which form the basis for such a contention.

ANSWER TO INTERROGATORY NO. 116:

Subject to the objections set forth in the preliminary paragraphs of this Response and particularly on the grounds that this Interrogatory seeks expert opinion beyond the scope of Maryland Rule 2-402(e), and further on the basis that it seeks a legal conclusion, this Defendant replies that its products met generally accepted industry-wide standards as set by the American Society for Testing and Materials and by the specifications of the United States Navy and other federal, state and local government agencies. Furthermore, this Defendant believes its products met the standards which were developed by the United States Public Health Service through Dreesen in 1938 and Fleisher and Drinker in 1946, and which were endorsed, adopted and enacted by the Walsh-Healy Act of the U.S. Congress and by an association of governmental and industrial hygienists. This Defendant did not test its products for safety in the field inasmuch as those job sites were under the control of the purchasers and other users of the products. This Defendant identifies William Schwingen and Phillip Bettoli as persons responsible for compliance with such standards.

INTERROGATORY NO. 117:

State whether you contend that you did not conspire with others to allow asbestos products to be used without adequate warnings, or without any warnings, regarding the hazards or risks of use of and/or exposure thereto. If so, state all facts and identify all documents which form the basis for such a contention.

A F F I D A V I T

STATE OF NEW JERSEY

COUNTY OF PASSAIC

BE IT REMEMBERED that Joshua J. Ward, being
duly sworn according to law deposes and states that he/she is
the Assistant Secretary of GAF Corporation and is auth-
orized to execute this document on its behalf. He/she also
swears that the answers to these interrogatories are true and
correct to the best of his/her knowledge, information and belief.

GAF CORPORATION

Joshua J. Ward

SWORN TO AND SUBSCRIBED before me this 1st day of

June, A.D., 1987.

Dorothy A. Sihelnick
NOTARY PUBLIC
MY Commission Expires:

DOROTHY A. SIHELNICK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 29, 1990

Jervis S. Finney
Jervis S. Finney

Geoffrey S. Tobias
Geoffrey S. Tobias
Ober, Kaler, Grimes & Shriver
1600 Maryland National Bank
Building
Baltimore, Md. 21202
685-1120

B. Ford Davis
B. Ford Davis

Dana B. Rosenfeld
Dana B. Rosenfeld
Whiteford, Taylor & Preston
Suite 1400, 7 St. Paul Street
Baltimore, Md. 21202
347-8713

CERTIFICATION ..

I HEREBY CERTIFY that on this 15th day of June, 1987 a copy of the foregoing Answers to Interrogatories were mailed to the following counsel:

John Enoch, Esq.
111 N. Charles Street
Baltimore, Md. 21201
Attorney for Plaintiff

Stephen J. Nolan, Esq.
204 W. Pennsylvania Avenue
Towson, Md. 21204
Attorney for Plaintiff

Armand Volta, Esquire
Law Offices of Peter G. Angelos
5905 Harford Road
Baltimore, Maryland 21214
Attorneys for Plaintiffs

John J. Nagle, III
21 W. Susquehanna Avenue
Towson, Maryland 21204
Attorneys for MCIC, Inc.

John Sakellaris, Esquire
Suite 2233 World Trade Center
Baltimore, Maryland 21202
Attorney for Anchor Packing

George W. Maugans, Esquire
Moore Libowitz & Thomas
334 St. Paul Place
Baltimore, Maryland 21202
Attorney for A.W. Chesterton Co.

Douglas D. Connah, Jr., Esquire
Venable, Baetjer & Howard
1800 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201
Attorney for Bethlehem Steel

James R. Eyler, Esquire
Miles & Stockbridge
10 Light Street, Suite 2000
Baltimore, Maryland 21202
Attorney for Corhart Refractories

Jay I. Morstein, Esquire
Frank Bernstein Conaway & Goldman
300 E. Lombard Street
Baltimore, Maryland 21201
Attorney for Crane Packing

Jon W. Brassel, Esquire
Brassel & Baldwin, P.A.
116 E. Cathedral Street
Annapolis, Maryland 21401
Attorneys for Adience Co., L.P. as Successor
in Interest to BMI, Inc. and Melrath Supply
and Gasket Co., Inc.

Jervis S. Finney, Esquire
1600 Maryland National Bank
Baltimore, Maryland 21202
Attorneys for GAF

S. Kennon Scott, Esquire
2661 Riva Road, Suite 810
Annapolis, Maryland 21401
Attorney for Garlock

Christopher Hansen, Esquire
1012 Mercantile-Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204
Attorney for A.P. Green

Edward S. Digges, Jr., Esquire
223 Duke of Gloucester Street
Annapolis, Maryland 21401
Attorney for Harbison-Walker

Robert P. Schlenger, Esquire
Lord, Whip, Coughlan & Green
800 One Centre Plaza
120 W. Fayette Street
Baltimore, Md. 21201
Attorney for International Vermiculite

Edward Mackie, Esquire
Rollins, Smalkin, Richards & Mackie
401 N. Charles Street
Baltimore, Maryland 21201
Attorney for Nicolet

M. Stanley Radcliffe, Esquire
608 Baltimore Avenue
Towson, Maryland 21204
Attorney for Pacor, Inc.

Steven E. Bers, Esquire
Wolf, Pokempner & Hillman
810 W.R. Grace Building
Baltimore, Maryland 21202
Attorney for Didier Taylor Refractories
Corporation

A. Douglas Owens, Esquire
216 E. Lexington Street
Baltimore, Maryland 21202
Attorney for Pittsburgh Metals

Harold Walter, Esquire
201 N. Charles Street, 26th Floor
Baltimore, Maryland 21201
Attorney for Raymark

David F. Albright, Sr., Esquire
Semmes, Bowen & Semmes
250 W. Pratt Street
Baltimore, Maryland 21201
Attorney for Universal Refractories and
Crocker, Inc.

Patrick J. Attridge, Esquire
MacLeay, Lynch, Bernhard, Gregg and Attridge
806 GBS Building
51 Monroe Street
Rockville, Maryland 20850
Attorney for Eltra Corporation

Jeremy W. North, Esquire
906 Munsey Building
Baltimore, Maryland 21202
Attorney for General Refractories Co.

Thomas F. McDonough, Esquire
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
Attorney for Porter-Hayden Co.

William Clague, Esquire
4701 Sangamore Road
Bethesda, Maryland 20816
Attorney for U.S. Mineral Products

Edward P. Murphy, Esquire
Douglas A. Collison, Esquire
Allewalt & Murphy
805 N. Calvert Street
Baltimore, Maryland 21202
Attorneys for Standard Insulation

Robert L. Fergeson, Jr., Esquire
Thomas J. Schetlich, Esquire
Allen Theiblot & Alexander 4th Floor
World Trade Center
Baltimore, Maryland 21202
Attorney for Colt Insulation

Curtis M. Pontz, Esquire
CertainTeed Corporation
Senior Counsel
P.O. Box 860
Valley Forge, Pennsylvania 19482

Patrick J. Attridge, Esquire
Bromley Brown & Walsh
806 G.B.S. Bldg.
51 Monroe Street
Rockville, Maryland 20850
Attorney for U.S. Mineral

Paul W. Nolan, Esquire
Katherine Thurlow, Esquire
Thurlow & Nolan
Suite 204
711 West 40th Street
Baltimore, Maryland 21211
Attorneys for Wallace Insulation

Roy L. Mason, Esquire
Donahue, Ehrmantraut & Montedonico
330 N. Charles Street
Suite 300
Baltimore, Maryland 21201
Attorney for The Walter E. Campbell Co.

T. Roger Harrison, Esquire
Mudd, Harrison & Burch
306 West Joppa Road
Towson, Maryland 21204
Attorney for Alan Insulation

George P. Adams, Esquire
343 North Charles Street
Baltimore, Maryland 21201
Attorney for Combustion Engineering

M. Stanley Radcliffe, Esquire
608 Baltimore Avenue
Towson, Maryland 21204
Attorney for Pacor


Dana B. Rosenfeld