FILE NAME: Asbestos Corp Ltd (ACL)

DATE: 1983

DOC#: ACL012

DOCUMENT DESCRIPTION: Legal - Response to Interrogatories

CANADA

PROVINCE OF QUEBEC

DISTRICT OF FRONTENAC

AFFIDAVIT

I, Me Alain Dulude, with offices located at 835 rue Mooney, Thetford Mines, Quebec, Canada, being duly sworn, do depose and say:

1. THAT I am the Secretary of Asbestos Corporation Limited in the above entitled actions;

2. THAT I am authorized to make this Affidavit on behalf of Asbestos Corporation Limited;

3. THAT the foregoing Responses to Interrogatories of Asbestos Corporation Limited are true to the best of my knowledge information and belief.

ALAIN DULUDE

Sworn to and Subscribed
before me at Thetford-Mines,
Province of Quebec, Canada,
this 7th day of April,
1983.

A commissioner of Oaths
Judicial District of Frontenac

ANSWER: Defendant labels packages containing raw asbestos fibre, which is not a product, with the words:

Caution
Contains Asbestos Fiber
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

This label has been prescribed for use by the United States Department of Labor, Occupational Safety and Health Administration pursuant to 29 C.F.R. §1910.1001. It was promulgated in 1972. Prior to that time and commencing in January 1970, ACL labeled bags of raw asbestos fibre with the notice:

Caution - This bag contains crysotile asbestos fibre. Persons exposed to this material should use adequate protective devices as inhalation of this material over long periods may be harmful.

B. 10. Has your company every been a member of, affiliated with or provided funding for the Industrial Hygiene Foundation? If so, indicate when your company was a member or affiliated with this organization and set forth the dates, if applicable, when you provided funding to this organization.

ANSWER: ACL was a member of the Industrial Hygiene Foundation from December 1, 1953 until December 31, 1960. ACL did not provide IHF with funding, but it is possible that a nominal annual dues was paid.

B. 11. Does your company have a Board of Directors?

ANSWER: Yes.

B. 12. Does your company's Board of Directors conduct meetings?

ANSWER: Yes.

B. 13. Have minutes of the Board of Directors meetings been taken and maintained by your company? If so, indicate who has custody of the minutes at this time.

ANSWER: Yes. The Secretary maintains the Minutes of the Board of Directors.

B. 14. Has your company, and/or its subsidiaries or affiliates ever manufactured or distributed asbestos containing products?

ANSWER: No.

B. 7. Has defendant ever been a member of or affiliated with the Asbestos Textile Institute? If so, indicate when your company was affiliated or was a member of this organization.

ANSWER: ACL was an associate member of the Asbestos Textile Institute from June 1952 until that organization dissolved. ACL was not a member of ATI's Air Hygiene Subcommittee.

B. 8. Does your company publish or distribute a manual or booklet which describes the nature of the business that defendant is engaged in? If so, set forth the title of such manual or booklet, indicate when it was published and attach a copy of same hereto.

ANSWER: Yes. As a publicly traded corporation, ACL issues Annual Reports. A copy of the Annual Report for 1981 is attached.

B. 9. Has any employee or representative of your corporation ever attended a meeting of the Asbestos Textile Institute? If so, identify each such individual who attended these meetings and set forth the dates on which each such individual went to such a conference or meeting.

ANSWER: ACL does not have copies of the records of the Asbestos Textile Institute, which are in any case subject to objections. To compile the information required to answer this Interrogatory from other sources would entail the review of personnel files of the virtually hundreds of employees, past and present, in order to determine whether they ever attended such meetings. Even then, the information might not be recorded, or in the case of retired personnel, it might no longer be in existence.

B. 35. Has defendant at any time since its inception, maintained any office or department dealing with medical research? If so, state:

a. the name of each such department;

b. the dates each such department was in operation;

c. the name, address and job position of each such person who has been in charge of said department or departments.

ANSWER: No.

B. 36. When was the first time the defendant became aware of or knowledgeable of any disease or illness associated with or causally related to the inhalation of asbestos, asbestos fibers or asbestos dust in any form whatsoever? Indicate which disease defendant became aware of and describe how defendant became aware of its alleged relationship to inhalation or exposure to asbestos.

ANSWER: By the 1950's the term "asbestosis" was generally known as descriptive of a medical condition sometimes occurring in persons exposed to 100% asbestos in heavy concentrations on a continual basis over long periods of time. Defendant's information in this area was based upon hearsay.

B. 37. In reference to the preceding Interrogatory, if defendant acknowledges a causal relationship between asbestos and disease or illness, set forth the following information:

a. what diseases or illnesses defendant acknowledges are causally related to or associated with exposure to asbestos dust or fibers;

b. the date upon which defendant became aware of the association with or causal relation to each such disease or illness;