IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

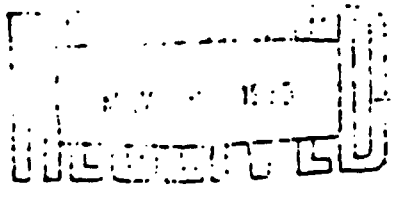
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| Greenville County School District, Plaintiff, vs. United States Gypsum Company, W. R. Grace Company National Gypsum Company, Pittsburgh Industries, Inc., [illegible] Corporation, and Carey-Canada, Inc., Defendants. | C/A No. 82-3142-14 |

DEFENDANT UNITED STATES GYPSUM COMPANY'S RESPONSE TO "NOTICE" INTERROGATORY QUESTION POSED BY THE HONORABLE WILLIAM W. WILKINS

United States Gypsum Company (hereinafter "USG") responds to the "notice" Interrogatory propounded by the Honorable William W. Wilkins, on January 9, 1984 as follows:

A thorough review of USG files and records which could be identified as possibly containing information encompassed by this Interrogatory reveals that on or about September 3, 1948, was the earliest documented date upon which USG, or any of its officers, employees or agents, in an individual or corporate capacity, first became suspicious or aware that asbestos may be a harmful substance.



In further response to this Interrogatory, attached hereto as Exhibit "A" is a reference listing of documents utilized to arrive at the above date and all similar information since that date until 1973, the date of last construction in the Greenville school cases. To the extent that documents are identified which predate 1948, these documents were physically in USG files, but there is no evidence suggesting that the documents were actually received at any time prior to the above date. Additionally, USG is aware of a Memorandum of Agreement dated November 20, 1936, produced in other litigation, which suggests that USG may have contributed to a study conducted by Dr. Leroy Gardner at Saranc Lake Laboratory commencing in 1936. However, as indicated on the listing, USG cannot confirm whether, or to what extent, it may have participated in the study or received the findings.

Columbia, South Carolina

____ day of February, 1984

Exhibit "A"

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| 9/3/48 | Operating Bulletin | This bulletin marks the first document date showing a recognition by USG of any of the health hazards associated with exposure to asbestos. This bulletin relates solely to USG workers. |

In addition, USG has located in its files copies of the following studies, published before 1948:

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| 9/3/48 | Printed report | "Report on Effects of Asbestos Dust on the Lungs and Dust Supression in the Asbestos Industry," E. R. Merewether, M.D. and C. W. Price. |
| 10/1931 | Printed study | "A Review of Pneumoconiosis: Further Roentgenological and Pathological Studies" by H. K. Pancoast, M.D. and E. P. Pendergrass M.D.; reprinted from the American Journal of Roentgenology and Radium Therapy, Volume XXVI, No. 4, October, 31. |
| 1932 | Printed list of references | "Pneumoconiousis - A List of References, Published in the United Kingdom for the International Labor Office (League of Nations). |
| 1937 | Pamphlet printed by U.S. Dept. of the Interior | "Review of Literature on Effects of Breathing Dusts with Special Reference to Silicosis," by D. Harrington and Sarah J. Davenport. |
| 1937 | Official printed transcript | "Third Symposium on Silicosis" An Official Transcript of the Third Silicosis Symposium Held in Connection with the Trudeau School of Tuberculosis at Saranac Lake, New York, June 21 to June 25, 1937. |

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| 8/1938 | U.S. Public Health Bulletin No. 241 | "A Study of Asbestosis in the Asbestos Textile Industry." |
| 8/1938 | Pamphlet | "Silicosis and Similar Dust Diseases." |
| 1/31/49 | Experimental study report | "Asbestos Pneumoconiosis: Experimental Studies by the Saranac Laboratory: Report to the Johns-Manville Corporations." |

However, USG has located no information suggesting that these documents were actually received by it prior to 1948 or by whom, if anyone, these documents were reviewed at any time. Additionally, USG is aware of a "Memorandum of Agreement," dated November 20, 1936, produced in other litigation which suggests that USG may have been "suspicious that asbestos was harmful" and that USG contributed to a study conducted by Dr. Leroy Gardner at Saranac Lake Laboratory commencing in 1936. However, no documents or information concerning this "Memorandum of Agreement" or the study which it purports to fund have been located in this defendant's files nor have any present or former USG employees with knowledge of same been located. Thus, USG cannot confirm whether, or to what extent, it may have participated in the study or received the findings.

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| 7/24/52 | Internal memo | Directive to all department heads and supervisors regarding various dusts, including asbestos. The health concerns relate only to gypsum dust and silica, not asbestos. |
| 11/9/53 through 12/7/53 | Letters and memos | A series of letters and memos from and to C.P. Kipp, USG, requesting information |

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| | | [illegible] thereto. |
| 2/11/54 | Operating Bulletins | Elimination of dusty conditions in the plants and requirement that employees wear adequate respiratory equipment. |
| 2/13/59 through 7/7/80 | Operating Bulletins | Operating Bulletins establishing X-Ray program for USG employees exposed to asbestos. |
| 5/1968 | Various published articles | Various newspaper articles, magazine articles, booklets, and government regulations relating to asbestos, and its health hazards, its characteristics, applications, and alternatives. |
| 10/2/68 through 2/1973 | Internal Memo | Chronological listing of newspaper stories, magazine articles, and various information gathered relating to asbestos. |
| 1969 | Regulations | Asbestos Regulation 1969, London, England. |
| 9/1969 | Pamphlet | "Recommended Code of Practice for the Handling and Disposal of Asbestos Waste Materials," by the Asbestos Research Council. |
| Late 1960's | Various memos, letters | Relating to USG's manufacture of Spray-Don products for Metropolitan spray and/or Sprayon Research Corporation. |
| 3/11/70 through 8/25/71 (Approx.) | Varied memos and pamphlets | Various memos by C. P. Kipp relating to health and safety committee of the Asbestos Cement Products Association. |
| 1/13/70 | Letter | From P.E. Leclerc, Regional Sales manager for Asbestos Corporation, Ltd. to Mel Thornton of USG, advising USG |

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| | | that all future shipments of Asbestos Corporations, Ltd. of asbestos would bear a caution label. |
| 5/70 | Internal memos - | Research Evaluation - hazards to user from sanding joint compounds - conclusions:- "no hazard." |
| 6/1/70 | Interoffice memo | From E.V. Salvo, New York office, to C.J. Bell, regarding public hearings on the health effects of spraying of asbestos-containing materials. |
| 6/3/70 | Georgia-Pacific documents | Georgia-Pacific documents relating to Mt. Sinai Hospital Medical School's Lung research as related to a five-man crew on a drywall job in New York. |
| 8/20/70 through 7/19/78 | Research & summary documents, memos and copied articles | All Research reports relating to this subject were previously made available to counsel for plaintiff in connection with Lexington County School District Five v. USG. |
| 1970 | Letter | Attorney/client privilege asserted. |
| 11/1/71 | Interoffice memo | Draft memo from C.P. Kipp concerning asbestos and cancer. |
| 6/2/72 | Memo and newspaper article attached | Regarding industrial safety precautions - tape and joint compounds. |
| 6/14/72 | Interoffice memo | From C.P. Kipp to A.J. Watt, Dr. J.W. Zabor, A.R. Rump, and C.C. Gramer regarding threshold limit values for asbestos. |
| 7/21/72 through 8/16/73 | NATLSCO study for USG Research Center | Measurement of exposure levels from mixing and sanding of joint compounds |

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| 6/7/73 | Interoffice memo | From J.J. McVay to plants advising governmental ban regarding the use of asbestos in spray acoustical and insulation materials. |
| 7/31/73 | Letter | From Irving J. Selikoff, M.D. responding to Marie Ehrmann, Librarian, USG, providing published literature concerning asbestos. |
| 8/15/73 | Gypsum Association study | "Gypsum Association Evaluation of Exposure to Asbestos During Mixing and Sanding of Joint Compounds," and documents related thereto. |
| 1973 | Reports | Reports of National Gypsum Company and Union Carbide Corporation relating to asbestos in joint treatments and chrysotile asbestos in plastics. |
| 1/1974 through 3/1974 | Interoffice memos | OSHA standards as relate to asbestos. |
| 1974 | Internal Memo | Attorney/client privilege asserted. |
| 1978-80 (Approx.) | IHF Digests | Available for inspection and copying. |
| 10/1979 | Medical article reprint | "Asbestos and Health in 1969," by George W. Wright, reprinted from American Review of Respiratory diseases, Volume 100, No. 4, October, 1969. |
| Uncertain | Article | Article by Harold J. Rosen of Skidmore, Owings & Merrill concluding that asbestos spray insulation must be eliminated in future construction. |
| Uncertain | Editorial | Dr. J.C. McDonald of McGill University's Department of Epidemiology and Health concludes that, at the present levels of dust exposure in today's asbestos mills, even |

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| | 30 years employment would probably not carry any measurable risk of lung cancer. |
| Uncertain Depositions | Included by reference herein and incorporated hereby are all of the depositions taken by Mr. Speights of USG employees or former employees, to the extent applicable. |
| Various Research Reports | Counsel for plaintiff has had an opportunity to inspect and copy these records -- those that relate in any way to the subject of asbestos as well as any others requested by plaintiff's counsel. |

STATE OF ILLINOIS )
) ss:
COUNTY OF C )

VERIFICATION

I, JOHN F. HERNAN, declare:

I am the Manager, Corporate Quality Assurance, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said corporation;

I have read the foregoing Answers, Objections and Other Responses to the Court's Supplemental Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on March 5, 1984, in Chicago, Illinois.

John F. Hernan

Subscribed and sworn to before
me this 5th day of March, 1984.

Notary Public

CERTIFICATE OF MAILING

This is to certify that I, Antoinette C. Martin, employee of the firm of Robinson, McFadden, Moore, Pope, Williams, Taylor, & Brailsford, P.A., have this date served Daniel A. Speights, attorney for the plaintiff in the foregoing matter with Defendant United States Gypsum Company's Response to "Notice" Interrogatory Question posed by the Honorable William W. Wilkins and the Court's Supplemental Interrogatories by placing a copies of same in the United States mail with adequate postage thereon, addressed as follows:

Daniel A. Speights, Esquire
P. O. Box 621
Hampton, SC 29924

Dated at Columbia, South Carolina this 15th day of February, 1983.

By Antoinette C. Martin

cc: (w/encl.): F. Barron Grier, Esq.
Glenn Bowers, Esq.
P. Michael Duffy, Esq.
Suzanne K. Torrey, Esq.