PLAINTIFF'S EXHIBIT

UC-5417

CAUSE NO. 15137*BH01

CHARLES R. LATHAM, ET AL	§	IN THE DISTRICT COURT
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
GARLOCK, INC., ET AL	§	23rd JUDICIAL DISTRICT

UNION CARBIDE CORPORATION'S RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

GENERAL OBJECTIONS

Union Carbide Corporation ("Union Carbide") objects to the entire set of Plaintiff's Interrogatories and Requests for Production on the following grounds, which are hereby incorporated by reference in Union Carbide's responses to individual Interrogatories and Requests for Production below:

GENERAL OBJECTION NO. 1:

Union Carbide states that trial preparation and factual investigation are ongoing. Union Carbide's answers to these Interrogatories and Requests for Production are based on information known to Union Carbide at this time. Union Carbide reserves the right, however to make reference at the trial or at any hearing in this action to facts and documents not identified in these responses, the existence or relevance of which is later discovered by it or its counsel. By this reservation, Union Carbide does not in any way assume a continuing responsibility to update its responses to these Interrogatories and Requests for Production, and specifically objects to each of these Interrogatories and Requests for Production to the extent that they seek to impose any such continuing obligation upon Union Carbide. To the extent the information contained herein

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differs in any respect from any prior responses to discovery, this response shall be deemed to update and supersede such prior responses.

GENERAL OBJECTION NO. 2:

Union Carbide objects to Plaintiff's Interrogatories and Requests for Production in their entirety on the grounds that they are not reasonably framed in terms of the facts and subject matter of the present action, with the result that Union Carbide is called upon to speculate as to what information relevant to the present case, if any, may be deemed to fall within the scope of the Interrogatories and Requests for Production as phrased.

GENERAL OBJECTION NO. 3:

Union Carbide also objects to all Interrogatories and Requests for Production insofar as they would require the disclosure of information protected by the attorney-client privilege or work product doctrines.

GENERAL OBJECTION NO. 4:

Union Carbide objects to providing information about any asbestos-containing products which it has manufactured, sold or distributed, on the grounds that the asbestos fiber in those products was encapsulated by or embedded in other material and on the grounds that the plaintiff has made no allegation of exposure to those products. According to Union Carbide's best presently available information, these products consist of the following: a tree sprout inhibitor used primarily to inhibit growth on telephone poles; a phenolic molding compound used in electronic parts and products such as switches and radios; a thermoplastic molding material used

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primarily in camera cases; Prestone radiator products; acetylene cylinder liners; a steel scarfer machine; a heat exchanger; and, possibly, certain polyethylene or polystyrene or other products sold in very limited quantities or on an experimental basis. Union Carbide no longer manufactures any of the above products.

Union Carbide acquired its Coalinga mine site in 1958. From 1960-1963, as Union Carbide developed its mining and milling operation, Union Carbide provided fiber samples to potential customers. From 1963 until June 30, 1985, Union Carbide mined and sold short fiber chrysotile asbestos initially as "Union Carbide Asbestos" and then under the trade name Calidria (some distributors marketed Calidria under other trade names). All responses to these Interrogatories and Requests for Production refer to Calidria asbestos only, unless otherwise stated.

GENERAL OBJECTION NO. 5:

Union Carbide objects to this entire set of Interrogatories and Requests for Production to the extent that they call for information about Union Carbide employees or premises, or policies pertaining to Union Carbide employees or premises. Inasmuch as the plaintiffs do not allege that they or their decedents were ever employed by Union Carbide or worked at any job site controlled by Union Carbide, such information is irrelevant and immaterial to matters at issue in this case.

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INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories and identify what information was supplied by each person.

ANSWER:

See General Objections #1, #2, and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

According to Union Carbide's available records, plaintiff was never an employee of Union Carbide nor did he work at any Union Carbide facilities.

The responses to these Interrogatories were prepared by counsel for Union Carbide Corporation based on information either contained in business records or provided by present and former Union Carbide employees. In particular, John L. Myers, former Product and Production Manager for asbestos (Calidria) has provided much information. Sales and other business records used to respond to these Interrogatories are under the control of Mrs. Virginia M. Ruszczyk, Custodian of Records, Kelley Drye & Warren, L.L.P., 101 Park Avenue, 31st Floor, New York, New York 10178.

INTERROGATORY NO. 2:

State the name, address, job title, and length of time employed of each and every individual who has made or presented a claim for compensation, personal injury and/or death

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resulting from inhalation of, or exposure to industrial dust, including but not limited to asbestos, to Defendant prior to 1970. In your answer also give the date of any such claims, the injury alleged, the disposition of the claim and the person most knowledgeable about the evaluation of such claims.

ANSWER:

See General Objections #1, #2, #3, #4 and #5. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

Union Carbide has been named in many lawsuits alleging injury from many defendants' asbestos or asbestos-containing products. Most of these lawsuits turn out not to involve Calidria or Union Carbide products at all. Plaintiffs often dismiss Union Carbide from these cases before the suits proceed to trial. In cases where claimants have exposure to Calidria, Union Carbide has maintained that any asbestos-related injury to claimants must have stemmed from other asbestos because Calidria could not cause such injuries.

Union Carbide has settled many of the lawsuits naming Union Carbide in order to avoid the costs of litigation. Union Carbide maintains a computer listing all asbestos-related cases which have named Union Carbide alleging exposure to Calidria asbestos. Upon plaintiffs request, Union Carbide will make the list available for review and replication at a suitable time and place.

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Union Carbide owned and operated its Calidria mine from 1958 to 1985. During that time, Union Carbide employed approximately 500 employees at the Calidria mine and mill sites at or near King City, (including office workers). No employee has ever filed a worker compensation claim for an asbestos-related disease. Union Carbide maintained a program of regular medical check-ups, including pulmonary X-ray, which included exams for asbestos-related disease. There has never been a report of any asbestos-related disease among employees or former employees at the King City site. Dr. Duane Hyde, now retired, a former physician is private practice in King City, California, was retained by Union Carbide to provide medical examinations to Union Carbide's employees, is familiar and can verify the lack of incidence of asbestos-related disease among Calidria employees. Moreover, the death certificates of former Calidria employees, which Union Carbide or its successor have reviewed, also record no asbestos-related disease as a cause of death (one former Calidria employee had an unidentified lung disease; two employees at a Union Carbide research laboratory in Niagara Falls, NY who did work with Calidria as well as other materials, developed asbestos-related diseases).

INTERROGATORY NO. 3:

Please state the date on which Defendant or its subsidiary or predecessor first learned that injury to humans could result from the inhalation of asbestos fibers and how Defendant became aware of the existence of this hazard.

ANSWER:

See General Objections #1, #2, #3 and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

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Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

Union Carbide's knowledge concerning potential health hazards possibly associated with excessive asbestos fiber inhalation has gradually developed. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. Upon the plaintiff s request and at a suitable time and place, copies of such reports and memoranda, which Union Carbide has located, will be made available for review and duplication.

Calidria was mined from a deposit which consisted of a unique form of chrysotile. As a result of its unique properties, Calidria could not pose the dangers which might be created by asbestos from other deposits. Those properties include the following: Calidria's short fiber length (shorter than any other known chrysotile); the Calidria deposit's lack of tremolite contamination; Calidria's quick dissolution due to the "weak" fibril structure; and its width and shape. Many of Union Carbide's expert witnesses can testify as to the unique properties of the Calidria fiber and resulting innocuous biological impact of Calidria. Additionally, Union Carbide possesses many documents in its repository pertaining to those issues. Upon Plaintiffs' request, Union Carbide will make its repository available for review and replication at a suitable time and place.

Epidemiological and other scientific studies and evidence have demonstrated that as a result of those properties, Calidria could not cause disease, except, possibly from exposure at levels and durations at which any nuisance dust could cause bodily harm.

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In spite of the unique, innocuous nature of the Calidria fiber, Union Carbide has long recognized the desirability of avoiding excessive exposure to dust from any source. Union Carbide took steps to enable customers to minimize or avoid the creation of and exposure to dust from Calidria.

During the early days of Union Carbide's Calidria business (sales began in 1963), medical and industrial health officials at Union Carbide issued asbestos toxicology reports which were distributed to sales and other appropriate personnel. Warning labels were added to Calidria packages in 1968 and toxicological information first appeared in sales literature in that year. Material Safety Data Sheets were mailed to Calidria customers beginning in 1972. AIA/NA information pamphlets were made available to customers starting in 1972 and were mailed to customers beginning in 1977 at the latest.

The health and safety literature made available and disseminated by Union Carbide to its Calidria customers warned of possible serious adverse health effects associated with the excessive inhalation of asbestos fiber, advised customers on ways to control or avoid such hazards, including the use of respirators as a way to avoid the hazards. In addition to the dissemination of health and safety information, Union Carbide took active steps to help insure that Calidria was handled and used in a clean and safe manner and environment: Union Carbide employed shrink-wrap, tight-fitting packaging to prevent leakage, spillage, or dust emission during the shipment of Calidria. Union Carbide also developed pelletized forms of Calidria which would reduce dust emission. In 1972, Union Carbide offered to take dust counts of the premises of Calidria customers in order to help them maintain a safe working environment, a service which many Calidria customers utilized (Calidria was not sold to the general public or other "end-users", but rather was marketed only to manufacturers or producers who used Calidria

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in their products or production processes). Dr. Harrison Rhodes, an industrial hygienist, supervised Union Carbide's dust monitoring program.

INTERROGATORY NO. 4:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiff regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER:

See General Objections #1, #2 and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

During the early days of Union Carbide's Calidria business (which began in 1963), medical and industrial health officials at Union Carbide issued asbestos toxicology reports which were distributed to sales and other appropriate personnel. Warning labels were added to Calidria packages in 1968 and toxicological information first appeared in sales literature in that year. Material Safety Data Sheets were mailed to Calidria customers beginning in 1972. Information pamphlets, including pamphlets of the Asbestos Information Association of North America, were made available to customers starting in 1972 and were mailed to customers beginning in 1977 at the latest.

The health and safety literature made available and disseminated by Union Carbide to its Calidria customers warned of possible serious adverse health effects associated with the excessive inhalation of asbestos fiber, advised customers on ways to control or avoid such hazards, including the use of respirators as a way to avoid the hazards. In addition to the dissemination of health and safety information, Union Carbide took active steps to help insure

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that Calidria was handled and used in a clean and safe manner and environment: Union Carbide employed shrink-wrap, tight-fitting packaging to prevent leakage, spillage, or dust emission during the shipment of Calidria. Union Carbide also developed pelletized forms of Calidria which would reduce dust emission; and starting in 1972, Union Carbide offered to take dust counts of the premises of Calidria customers in order to help them maintain a safe working environment, a service which many Calidria customers utilized (Calidria was not sold to the general public or other "end-users", but rather was marketed only to manufacturers or producers who used Calidria in their products or production processes). Dr. Harrison Rhodes, an industrial hygienist, supervised Union Carbide's dust monitoring program.

Upon plaintiff s request, Union Carbide will make copies of results of such dust counts available to the plaintiff for review and duplication at a suitable time and place.

Union Carbide also used two cautionary statements on its Calidria packaging: The first cautionary statement was used from June 22, 1968 through May 1972, and read as follows: "Warning: Breathing dust may be harmful. Do not breathe dust." The second cautionary statement was prescribed by OSHA in 1972 and was first printed on Calidria packaging in June of that year and was used by Union Carbide until the sale of the Calidria mine and mill in 1985; this second cautionary statement read as follows: "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm.".

Union Carbide had also developed an additional label variation which, according to Union Carbide's best information was never applied. Upon plaintiffs request, Union Carbide will make available a copy of that label draft as well as all correspondence and documents pertaining to label development.

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Furthermore, Union Carbide maintains a repository of documents and other material containing information pertaining to asbestos or asbestos products. The Repository includes a myriad of documents and other material from Union Carbide's former Calidria business; documents from other former businesses which manufactured products which contained some asbestos; and from Union Carbide facilities which used and removed asbestos insulation and other asbestos products in accordance with the most advanced state-of-the-art industrial practices. The Repository encompasses documents and material generated and received by Union Carbide employees or officials, as well as published articles collected by Carbide employees and officials. This Repository contains information about Union Carbide's former Calidria product and Calidria business; other products formerly sold by Union Carbide which contained an asbestos component; the purchase and use of insulation or other asbestos products for or in Union Carbide facilities; and Union Carbide's health, safety, industrial hygiene practices and policies for both employees, visitors to Carbide premises and customers of Carbide products, and other steps Union Carbide took to insure safety in all respects for all who interacted in any way with Union Carbide, its products or facilities.

Union Carbide created this special repository during the onset of asbestos-related litigation, when Union Carbide also implemented a hold order for all such aforementioned material. (Union Carbide has, however, maintained that it has no liability for claims asserted in asbestos litigation because among other reasons, Calidria could not cause the asbestos-related disease; the asbestos fiber in other products was encapsulated or encased and thus could not cause the asbestos related disease, and Union Carbide never produced or sold asbestos insulation.)

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The repository consists of approximately two hundred thousand (200,000) pieces of paper (excluding privileged material) and a limited number of video and other three-dimensional objects.

All material or documents responsive to this request, or containing information responsive to this request, still accessible to Union Carbide would be contained in the aforesaid repository located in the offices of Kelley Drye & Warren LLP, or in files of Union Carbide facilities. Upon plaintiffs request, Union Carbide will make its Repository and relevant files (not including privileged information) available to the plaintiffs for review and replication at a suitable time and place.

INTERROGATORY NO. 5:

Please state whether Defendant ever sold raw asbestos fiber to any defendant named in this action in this case's most recent petition. If so, please identify the date of said sales, the quantity of fiber, the type of fiber and any warnings given to the purchaser regarding the hazards of asbestos fiber.

ANSWER:

See General Objections #1, #2 and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

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Union Carbide possesses copies of invoices of Calidria sales made by Union Carbide to Calidria customers. Union Carbide also maintains a list of such sales. Since Union Carbide sold its Calidria business in 1985, Union Carbide, at present, can make no representation as to the completeness of its records. The aforementioned constitute the most complete records of Calidria sales currently available to Union Carbide. Union Carbide lacks, however, a record of sales made by Calidria distributors, who accounted for approximately 25% of all Calidria sales.

Upon plaintiff s request, Union Carbide will make its sales records available to the plaintiff for review and duplication at a suitable time and place.

Calidria consisted of raw chrysotile asbestos in a unique short-fiber formulation which Union Carbide mined at or near King City, California. Union Carbide operated its Calidria mine and mill from 1958 until June 25, 1985. Calidria's chemical formula is Mg6(OH)8Si4OlO. Union Carbide produced four grades of Calidria asbestos: standard, super standard, high purity, and resin grade; the different grades reflect varying degrees of purity of content. Each grade was sold in both pelletized and fibrous form. In appearance, Calidria is grey (pelletized) or white (fibrous) in color and powdery in substance. The following is a representative listing and description of the various brands of Calidria mined and marketed by Union Carbide

PRODUCT SYMBOL	PRODUCT CODE	DESCRIPTION
BPO	651001	High Purity, Open Fiber.

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BPO-C	651101	High Purity, Open Fiber
HPP	651601	High Purity, Pellets
BPP-JAP	651701	High Purity, Pellets, 4-Ply bags
R-G I 10	652101	Resin-Grade, Open Fiber 15% +325
R-G I 10-D	652201	Resin-Grade, Open Fiber, 15% +325
R-G 144	652501	Resin-Grade, Open Fiber
A- 14	652801	Resin-Grade, Open Fiber
R-G 244	653001	Resin-Grade, Open Fiber
R-G 444-0	653301	Resin-Grade, Open Fiber, 10% Stearic
A-28	653601	Resin-Grade, Open Fiber, Silica Treated
SG-100	654001	Standard Grade, Pellets
SG-102	654201	Standard Grade, Pellets, 100-lb. bags
SG-130	654501	Standard Grade, Open Fiber, 30% +325
SG-144	654801	Standard Grade, Open Fiber, 45% +325
SG-200	655001	Super Standard Grade, Pellets
SG-210	655301	Super Standard Grade, Open Fiber, 15% +325
SG-444-0	655501	Standard Grade, Open Fiber, 5% Stearic, Hydrophobic
T-135-0	656001	High Purity, Open Fiber, Titanated, 3 5%, Anatase
T-135-P	656301	High Purity, Pellets, Titanated, 35%, Anatase
CG-100	656601	Coatings Grade, Pellets
CG-135-0	656801	Coatings Grade, Open Fiber, Titanated 35%, Rutile
CG-135-P	656901	Coatings Grade, Pellets, Titanated, 35%, Rutile
Super-Visbestos	657301	Super Standard Grade, Cracked Pellets
Visbestos	657601	Standard Grade, Open Fiber
Oilbestos	657001	Standard Grade, Open Fiber, 5% Stearic, Hydrophobic

Calidria, due to its unique physical properties, short fiber length in particular, was not suited for use in thermal or frost insulation.

Calidria consisted of raw asbestos which was marketed and sold by Calidria distributors to manufacturers or producers who incorporated and used Calidria in their products or production processes. Calidria was not sold by Union Carbide or, according to the best information available to Union Carbide, by Calidria distributors to consumers or other "end-users". The following is a representative list of different brands of Calidria asbestos and the applications for which they were marketed:

Calidria

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Product	Applications
SG-100	Vinyl-Asbestos Floor Tile
SG-130	Masonry Coatings
SG-200	Rubber Floor Tile
Super Visbestos	Drilling Muds
SG-210	Mastics Asphaltic Coatings
HPP	Rubber Sheet Goods Mineral Board (Japan) Paper(Japan)
HPO	Asphaltic Coatings, Adhesives
RG-110	Asphaltic Spray Coatings Aluminized Coatings Mastics, Caulks and Sealants
RG-144	Adhesives (Epoxy, Casim, Phenolics) Coatings Vinyl Plastisols (High Build, Dip Coatings) Mastics, Caulks and Sealants (Vinyl, Butyl, Polysulfide, Bituminous)
RG-244	Polyester Resins (Laminating, Gel Coats, Putties) Caulks and Sealants (Vinyl, Butyl, Acrylic, Polyurethane) Coatings (Epoxy, Urethane, Asphaltic)

In addition to the different markets in which the Calidria products listed above were respectively sold, other brands of Calidria may have been sold within the same markets. Such brands of Calidria were distinguished on the basis of grade (purity of content), form (fibrous or pelletized) or chemical treatment, or a combination of the above.

See also Union Carbide's answer to Interrogatory No. 4.

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INTERROGATORY NO. 6:

Please state whether Defendant ever sold raw asbestos fiber to any of the following companies: Johns-Manville Corporation, Owens-Corning Fiberglas Corporation, Raybestos-Manhattan, Inc., Pittsburgh-Corning Corporation, Armstrong World Industries, Inc., Celotex Corporation, Eagle-Picher Industries, Inc., Fibreboard Corporation, GAF-Ruberoid, General Motors, Keene Corporation, Baldwin-Ehret-Hill, M.H. Detrick Company, National Gypsum Company, Keasbey-Mattison, Philip Carey, W.R. Grace and Co. and/or Westinghouse Electric Corporation.. If so, please identify the date of said sales, the quantity of fiber, the type of fiber and any warnings given to the purchaser regarding the hazards of asbestos fiber.

ANSWER:

See General Objections #1, #2, and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes, according to customer specification.

Our available records show Union Carbide's Calidria sales to the following companies: Owens-Corning Fiberglas Corporation, Raybestos-Manhattan, Inc., Celotex Corporation, Fibreboard Corporation, GAF Corporation, National Gypsum Company, W.R. Grace and Co. and Westinghouse Electric Corporation.

See also Union Carbide's answer to Interrogatories Nos. 4 and 5.

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INTERROGATORY NO. 7:

Do you contend that the raw asbestos fiber sold by Defendant cannot cause the disease mesothelioma?

ANSWER:

See General Objections #1, #2 and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

See also Union Carbide's response to Interrogatory No. 3.

INTERROGATORY NO. 8:

Do you contend that prior to 1964 Defendant was unaware of the hazards of raw asbestos fiber?

ANSWER:

See General Objections #1, #2, and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and

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manufacturers for use in their products and production processes-according to customer specification.

See Union Carbide's answer to Interrogatories Nos. 3 and 4, including all objections set forth therein.

INTERROGATORY NO. 9:

Did Defendant ever manufacture, distribute and/or market any asbestos-containing products, including raw asbestos fiber, which contained either crocidolite, amosite and/or tremolite fibers? If the answer is "yes", please identify such products.

ANSWER:

See General Objections #1, #2, and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

Calidria was mined from a deposit which consisted of a unique form of chrysotile. As a result of its unique properties, Calidria could not pose the dangers which might be created by asbestos from other deposits. Those properties include the following: Calidria's short fiber length (shorter than any other known chrysotile); the Calidria deposit's lack of tremolite contamination; Calidria's quick dissolution due to the "weak" fibril structure; and its width and shape. Many of Union Carbide's expert witnesses can testify as to the unique properties of the

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Calidria fiber and resulting innocuous biological impact of Calidria. Additionally, Union Carbide possesses many documents in its repository pertaining to those issues. Upon Plaintiffs' request, Union Carbide will make its repository available for review and replication at a suitable time and place.

See also Union Carbide's answer to Interrogatory Nos. 3 and 5, including all objections set forth therein.

INTERROGATORY NO. 10:

Did Defendant ever consult with, communicate with and/or have discussions regarding the hazards of asbestos with employees of and/or consultants affiliated with Johns-Manville Corporation, Raybestos-Manhattan and/or Metropolitan Life Insurance Company? If so, please describe such communications and/or discussions.

ANSWER:

See General Objections #1, #2, #3 and #4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

See also Union Carbide's response to Interrogatory No. 4 for a description of the Repository.

Within Union Carbide's Repository is a category of documents referred to as Call Reports. These Call Reports include references by Calidria sales personnel of communication, both written and oral, with customers or potential customers. Call Reports are filed alphabetically by customer name. After careful review of these reports, Union Carbide can

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confirm communication with Johns Manville and Raybestos-Manhattan. Union Carbide lacks a compilation of additional documents or information responsive to this Interrogatory.

To the extent such material or documents are still accessible to Union Carbide, and are responsive to this request, or contain information responsive to this request, it would be contained in the aforesaid repository located in the offices of Kelley Drye & Warren LLP, or in files of Union Carbide facilities. Upon plaintiffs request and at suitable time and place, Union Carbide will make its Repository and relevant files (not including privileged information) available to the plaintiffs for review and replication.

INTERROGATORY NO. 11:

Has Defendant withheld any documents or information responsive to the these discovery requests on claims of privilege? If so, please identify any such documents in a privilege log.

ANSWER:

See General Objections #1, #2, #3, #4 and #5.

INTERROGATORY NO. 12:

Please identify the person(s) most knowledgeable regarding:

(a) Defendant's sale of asbestos fiber;
(b) Defendant's document retention policies;
(c) Defendant's knowledge of the hazards of asbestos.

ANSWER:

See General Objections #1, #2, #3, #4 and #5. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

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Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

In general, Union Carbide maintains all records for at least three years. Sales records, dust count reports, customer call reports and other documents pertaining to Union Carbide's former Calidria business, still in Union Carbide's possession, will be maintained for indefinite periods.

Sales and other business records are under the control of either counsel for Union Carbide, or Mrs. Virginia M. Ruszczyk, Kelley Drye & Warren, LLP, 101 Park Avenue, 31st Floor, New York, New York 10178.

See Union Carbide's response to Interrogatory No. 4 for a description of the Repository.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents, books, pamphlets, memoranda, articles or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings and that have been maintained in the possession of Defendant.

See General Objections #1, #2, #3 and #4. Union Carbide further objects to this Request for Production on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and

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manufacturers for use in their products and production processes-according to customer specification.

The following is a responsive listing of books, studies, and limited issue reports which were at one time on file in Union Carbide's corporate library in Danbury. Additional material may be also kept at more or other libraries:

1. Acrylamide - Exposure to $N_{10}SH$ - STD.
2. Agricultural Products - Emergency Response Plan - Union Carbide.
3. Agricultural Products - 1983 Chemical Guide.
4. Albanes (C5-C8) Exposure to $N_{10}SH$.
5. Allyl Chloride - Exposure to $N_{10}SH$ STD.
6. American Hospital Association. GuidetoHealthCallFiedl-1985.
7. The Apocalyptics - Edith Effron
8. Asbestos Standard
9. Benyl Chloride - Exposure to $NI_{10}SH$ STD.
10. Benzoyl Perioxide - Exposure to $N_{10}SH$ STD.
11. British Journals of Industrial Medicine 2/86.
12. Carlon Black - Exposure to $N_{10}SH$ STD.
13. Carbaryl - Exposure to $N_{10}SH$ STD.
14. Carlon Disulfide: EHC_{10}.
15. Carlon Disulfide: Exposure to $N_{10}SH$ STD.
16. Carciongins, First Annual Report on (July, 1980, Vol. 1, Vol. 11, Dept. of Health and Human Services.
17. Chemical Hazards of the Workplace, Hughes Proctor.
18. Chloraprene, Exposure to $N_{10}SH$ STD.
19. Clinical Diagnosis - by lab methods - Henry & Davidsohn
20. Clinical Handbook of Economic Poisons (Emergency Information and Treatment).
21. Clinical Toxicology of Commercial Products. Gasoline, Smitt & Hodge.
22. Clinical Symposia - CIBA.
23. Cobalt - Criteria for Controlling Occupational Exposure to $N_{10}SH$ STD.
24. Cobalt - Exposure to $N_{10}SH$ STD.
25. Contact Directory (UCC Chemicals & Plastics).
26. Corporate Medical Department - Background Information -UCC.
27. Dinitro-Ortho-Cresol - Exposure to $N_{10}SH$ STD.
28. Directory - U.S. Based Agencies involved in International Health Assistance - National Counsel for Int'l Health.
29. Directory of Medical Specialists - 22d Edition - (1985-86) (Marquis, Who's Who).
30. Disability Prevention: The Global Challenge - Wilson.
31. Diseases of the Heart (1, 111) Freidburg - 3d Edition.
32. Doctors of Medicine - Directory of Sept. 1985 - Div. of Health Related Boards.
33. Drug Abuse Program, Developing an Occupation.
34. Electronics Division - Occupational Health Manual.

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35. Emergency Cardiac Care - Huszar.
36. Emergency Care (Course Planning Guide) Murray, Grant
37. Emergency Medicine, Attos of Rosen & Steinbach.
38. Employees Handbook - UCC.
39. Employee Health (Linde Shea) Linde Dive., UCC.
40. Environmental Affairs Manual - UCC.
41. Ether Oxide, Health Assessment Document for
42. Ethyl Oxide Worker Safety Issues (Rep. #83-2).
43. Ethylene Dibromide - Exposure to $N_{10}SH$ STD.
44. Ethylene Dichloride (1,2 Dichlordtrhane) Exposure to $N_{10}SH$ STD.
45. Ethylene Oxide Sterilization - Exposure to $N_{10}SH$ STD.
46. Ethylene Oxide Std.
47. Ethylene Oxide Sterilization - In Hospital.
48. Ethylene Oxide Worker Safety Issues.
49. Eveready Battery - Engineering Data.
50. Exposure to Mutagenic & Reproductive Hazards - Arthur Bloom, M.D.
51. Exposure Standard - UCC.
52. Follow-up of Cancer (Physicians Handbook) (2d Edition - 1983).
53. Foodlorne Disease & Food Safety - American Medical Association - 198 1.
54. Fractures & Dislocations, Management of, Vols. I & II, 3d Edition - Connolly.
55. Grain, Dust, Fire, Explosion - Exposure to NOSH STD.
56. Guide to evaluation of Permanent Impairment - 2d Edition - American Medical Association.
57. Howard Medical School Health Letter (1985-86).
58. Health Effects Review Board (Toxicology).
59. Health Fitness Center - Emergency Procedure (UCC Manual).
60. Health & Safety Manual - UCC.
61. Hearing Loss (2d Edition) - Drs. J. Sataloff and R. T. Sataloff and L. A Vassalo, M.S.
62. The Heart, J. Willis Hurst.
63. Help Manuals - UCC.
64. Hearing - Conservation & Noise Central Manual - UCC.
65. Home & Auto Products Division - Occupational Health Manual - UCC.
66. How to Choose a Medical Specialty. Anita Taylor.
67. Industrial Toxicology - Fairhall.
68. Industrial Toxicology - Hamilton & Hardy.
69. Industrial Toxicology - Plunhett.
70. Injured Patient, Management of - Norman & Males.
71. Internal Medical Alert - 1986.
72. International Travel Policies - UCC.
73. Kidney or Electrolytes - Norman Deane, M.D.
74. Loss of Hearing Claims - Background of - UCC.
75. Lung Disorders, Occupational - Parker -2d Edition.
76. Material Safety Data Sheets (Linde, Catalysts, Carbon Products, Battery, Home & Auto, Chemicals & Plastics, UMETCO, etc.).
77. Medical Benefits.
78. Medical Letter.

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79. Medical Letter (1981 - Vol. 23)
80. Mobile Coronary Care (Fundamentals of Rose & Rose.
81. Medical Dictionary
82. Medical Policies, Procedures & Guidelines - UCC.
83. Metals Division - Occupational Health Manual
84. Mions Annual - 1985
85. Mutagenicity Test Procedures - Author/Editor B.J. Kilbey
86. New England Journal of Medicine - 7/85, 5/85, 12/85, 11/85, 7/85, 10/85, 6/85.
87. Neurologic Exam De Jong.
88. $N_{10}SH$ -Current Intelligence Bulletin (Reprints 1/1 8, 1975-1977).
89. $N_{10}SH$ - Occupational Health Guidelines for Chemical Hazards.
90. Nitrogen Oxides - Exposure to $N_{10}SH$ STD.
91. Nitroglycerin & Ethylene Glycol Dinitrate - Exposure to $N_{10}SH$ STD.
92. Nursing - Standing Orders & Procedure - UCC.
93. Occupational Health - 2 (Approaches To)
94. Occupational Health/Medicine Manuals - UCC.
95. Occupational Lung Diseases - Margon & Seaton.
96. Occupational Medicine - State of the art reviews R.N. Adams, M.D. - Editor.
97. OSHA Hazard Communication.
98. OSHA - Occupational Health Guidelines for Chemical Hazard.
99. Patty's Industrial & Hygiene Toxicology (3d Edition) Clayton, Vol's 1, 2A, 2B, 2C.
100. Permanent Impairment - Guide to Evaluation - 2d Edition American Medical Association.
101. Phenol - Exposure To - $N_{10}SH$ STD.
102. Physicians Desk Reference - 1986.
103. Phosphorus & Phosphine in Air - Exposure to $N_{10}SH$ Std.
104. Physicians Directory of Consultative Service (Yale).
105. Polychlorinated Bisphenyls (PCB's) Exposure To $N_{10}SH$ -STD.
106. Preventive Medicine (5/86).
107. Proctology, A method of - Macleod.
108. Product Safety/Liability Manual - UCC.
109. Public Health Code - 1980 - State of Connecticut.
110. Public Health & Preventive Medicine – 11th Edition - Lost, J.M.
111. Radionuclide Contamination, Management of -.
112. Red Book (1982) Representative of Committee on Infectious Disease - American Academy of Ped.
113. Refined Petroleum Solvents - Exposure to NOSH STD.
114. Reproductive System, Effects of Toxic Chemicals on American Medical Association - 1985.
115. Respiratory Disease, American Revolution of - (Volume 13 1, April 1985).
116. Respiratory Disease - Emergency Treatment of Acute Stinger.
117. Safety, Health & Accident Prevention Procedures (Basic Guide) UCC.
118. Safety, Health & Loss Control Manual - UCC.
119. Safety, Health & Related Affairs Technical Manual - UCC.
120. Safety Manual - UCC.
121. Site Visit Reports (Books 1-4 - By Division - UCC).

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122. Sudden Coronary Death - NY Academy of Science - Volume 382.
123. Sulfur Oxides & Related Particulates - 1978 - Environmental Effects of
124. The 36 Hour Day - Mac/Robbins.
125. Tetrachlorethan - Exposure to - $N_{10}SH$ STD.
126. Tolioine - Exposure to $N_{10}SH$ STD.
127. Toxic Substance Control (Source Book) Center for Compliance Information.
128. Toxicology Assessment & Advisory Committee (Vols. 1-4).
129. Toxicology & Biochemistry of Aromatic Hydrocarbone, H.W. Gerarde.
130. Trauma Patient, Initial Management of - Frey.
131. Tropical Medicine - 5th Edition - Hunter/Swartzwelder/Clyde.
132. Tropical Medicine, New Developments is National Council for Health.
133. Vanadium - Exposure to $N_{10}SH$ STD.
134. Word Processing Manual - UCC.
135. Waste Anesthetic Gases & Vapors - Exposure to - $N_{10}SH$ STD.
136. The Journal of the Society of Occupational Medicine.
137. The Lancet
138. Mayo Clinic Proceedings.
139. The New England Journal of Medicine.
140. Occupational Hazards
141. Occupational Health & Safety
142. Preventive Medicine - American Health Foundation.
143. The Medical Letter - On Drugs & Therapeutics.
144. $N_{10}SH$ - Technical Reports.
145. $N_{10}SH$ - Research Reports.
146. $N_{10}SH$ - Criteria Reports.
147. $N_{10}SH$ - Survey Reports.
148. $N_{10}SH$ - Health Safety Guides.
149. $N_{10}SH$ - Self-Evaluation Reports.
150. Electric Power Research Institute Studies.
151. Jarc Monograph Series.
152. National Council on Radiation Protection and Measurement Series.

Starting September 1, 1972, Union Carbide distributed Material Safety Data Sheets setting forth precautions and instructions for the proper and safe use of Calidria. In addition, listed below are brochures and documents which have been made available by Union Carbide to Union Carbide's Calidria customers, many of whom contained information on potential hazards associated with excessive asbestos exposure and information as to how to control or avoid such hazards. Since Union Carbide sold the Calidria business in 1985, the material listed below has

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not been in use by Union Carbide. Except where the dates are stated herein, the time of publication and the author of each item is presently unknown.

I. GENERAL

A. Calidria" Booklet, John Crane

B. Asbestos Fibers, R. Byrne

C. Business Reply Card, John Crane

D. Rubber Booklet, John Crane

E. Grinding Asbestos Pellets, R. Byrne

F. FDA Status - Asbestos in Paper.

G. New Additives Induce Thixotropy - Reprint of John Myers Speech.

H. New Idria Chrysotile an Unusual Ore Yields. New Products, R. Woolery

I. Cationic Asbestos for Waste Water Treatment, John Myers

J. Asbestos Products for Oil Pollution Control, John Myers

K. Zeta Potentials of Some Minerals.

L. US Patent Office - Waste and Water Treatments, R. Woolery

M. Mineralogy of the Coalinga Asbestos Deposit, Mumpton and Thompson

N. Bulk Handling Demonstration

O. Electron Micrograph Illustrations.

P. Asbestos Magazine Reprinting - John Myers - Pellets.

Q. Rubber World Reprint.

R. Suggested Primer Sealer for Masonry and Weathered Roofing, 3JG-123B.

S. Suggested Exterior White Hi-Build Flexible Coating, 3JG-124B.

T. Suggested Exterior White Insulating Roof Coating, 3JG-121B.

U. Suggested Weather-Barrier Roof Coating and Lagging Compound, E- 1297.

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II. RESIN GRADE PRODUCTS

A. General.

1. "Calidria"RG-144 & RG-244,JohnMyers.

2. Use of Cowles Dissolver, R. E. Byrne.

3. "Calidria" RG Products for Vinyl Plastisol Sealant Applications.

4. "Calidria" Asbestos for a High Build Dip Coating Plastisol TTF-12.

5. "Calidria" RG-144 & RG-244 Asbestos in PVC Plastisols.

6. Rubber Research Elastomerics.

7. Plasticizer Viscosity Control with "Calidria" Asbestos RG-244 & RG-144.

B. RG-110 (Price Schedule).

1. Viscosity Control Agent for Asphaltic Compounds.

2. Polyester Premixes Comparative Cost & Performance Data.

C. RG144 (Price Schedule).

1. RG-144 Brochure, John Crane.

2. RG-144 Performance Data, John Crane.

3. RG-144 Product Characteristics.

4. RG Asbestos Improves Thixotrophic Properties of Highway Markers.

5. PVP Reprint.

6. Asbestos Beefs Up Plastics & Adhesives to Extend Their Use.

D. RG-244 (Price Schedule).

1. RG-244 Brochure, John Crane.

2. RG-244 Comparative Performance Characteristics, John Crane.

3. RG-244 Product Characteristics & Specifications.

4. Ultrasonic Dispersion of RG-244, B. L. Ingalls

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5. RG-244 as a Thixotrope for Polyester Resins, B. L. Ingalls.

6. Polyester Putty & Patching Compounds.

7. "Epoxy Coal Tar Coatings."

8. Chlorinated Rubber Roofing Compound", B. L. Ingalls.

9. High Build Vinyl Maintenance Paints.

10. Zinc-Rich Primers.

11. Vinyl Coal Tar Formulation Suggestions.

12. Formulating Plastisol Sealants with Silane Adhesion Promoters.

13. RG-244 Health Brochure.

E. RG-600 Brochures.

1. Cost Effectiveness Optimization of Reinforced Polyolefins; 10/4/76 (Ancker & Leung).

2. RG-600 Inquiry Form, John Crane.

3. Coupled Chrysotile Asbestos Reinforced Thermoplastics (Ancker).

4. RG-600 Request Form, John Crane.

5. RG-600 Patent Literature - 3.939,278; December 23, 1975.

6. RG-600 Health Brochure.

7. Reinforced Polyolefins for Large Structural Foam Parts; 2/8-11/77, Michno.

8. Structural Foam is Launched into an Era of Great Diversification; August 1976.

III. STANDARD GRADE PRODUCTS

A. General.

1. "Calidria" Asbestos Standard Grade Products, Typical Properties, John Myers.

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B. SG-100 (Price Schedule).

1. SG-100 "Calidria" Asbestos for Use in Vinyl and Asphalt Floor Coverings.

2. SG-100 Saves Up to One-Half (1/2) the Amount of Asbestos.

3. Flintkote Report.

C. SG-130 (Price Schedule).

D. SG-200SG200X (Price Schedule).

E. 1. SG-200SG-200X Product Characteristics.

F. 2. TJC Brochure.

3. UCAR Latex 153 for Water-Based Caulks and Sealants.

4. Typical Product Characteristics and Specifications SG-210.

5. Suggested Interior Texturing or Exterior Spackling Formulation (17-CHR-41).

IV. HIGH PURITY

A. General.

1. Effects of Chrysotile Asbestos Additions to Cellulosic Paper - RGW.

2. "Calidria" High Purity Asbestos for Porosity Control, Pinhole Reduction and Improvement in Two-Sidedness.

3. Properties of Asbestos Suitable for Use in Cellulosic Paper, Naumann.

4. How High Purity Asbestos is Used for Pitch Control in Papermaking, Woolery.

5. Paper Trade Journal - Asbestos Product Aids Retention, Boosts Opacity and Disperses Pitch, Ingalls.

6. "Calidria" Asbestos for Paper Coatings.

B. High Purity Open (Price Schedule for HOP & BPP).

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1. Typical Product Characteristics for BPO, John Myers.

2. The Trial of Calidria HOP in New Rochelle Water Pollution Control Plant.

3. Addition Rates for HOP in Primary Waste Treatment, John Myers.

4. Suggested Dark Green Acrylic Tennis Court Topcoat E-1400.

C. High Purity Pellets.

1. Typical Product Characteristics for BPP, John Myers.

V. TITANATED PRODUCTS

A. T-135 (Price Schedule).

1. T-135 Opacifying Agent.

2. "Calidria" Asbestos T-135 for Viscosity Control & Pigmentation.

3. T-135-0 for Spray Acoustic & Texture Compounds.

4. Chemical 26 Reprint - Checking Opacity.

VI. COATING GRADES

A. CG-135 (Price Schedule).

VII. DRILLING

A. Oil and Gas Journal Reprint.

In addition, the following material, some of which is listed above in the form of brochures, articles or addresses, has been prepared:

1. "Calidria Asbestos RG-244 - An Economical Effective Thickener and Thixotrope for Polyester Resins, Plastisols, Epoxies, Phenolic Adhesives Organosols" 9/70.

2. "Calidria Asbestos, Resin-Grade 144, An Effective Low Cost Thickening Agent and Thixotrope for Epoxy Resin Systems" - 7/71, John Crane.

3. "CALIDRIA Asbestos Resin-Grade - 144 and Resin-Grade 224", John Myers.

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4. "Calidria Asbestos, Low Cost Highly Effective Reinforcer and Filler for Rubber, Two Grades: High-Purity and T-135" - 10/70, John Crane.

5. "Calidria Asbestos, a Unique and Versatile Fiber With Proven Applications as an Extender, Thickener, Reinforcer, Opacifier" 574.

6. "New Additives Induce Thixotropy, Provide Sag and Viscosity Control," presented by John L. Myers to Western Coatings Technology Society Meetings in Denver, Los Angeles, San Francisco, Portland, Seattle, and Vancouver, in May 1969.

7. "Asbestos," by Robert E. Byrne, Jr., Area Manager, Calidria Asbestos Marketing and Technology, Mining and Metals Division, Union Carbide Corporation, published March, 1972 in Modem Plastics Encyclopedia, McGraw-Hill, Inc.

8. "Calidria Asbestos Pellets" by John L. Myers, Former Product and Production Manager for Union Carbide's Calidria Operation, published October 1971 in Asbestos, reprinted by Union Carbide.

VIII. HEALTH AND SAFETY

A. General.

1. "Material Safety Data" for Calidria Asbestos published September 1, 1972 and revised September 1, 1976 by Union Carbide Corporation.

2. "Chrysotile Asbestos in Plastics," presented May 14, 1974 at the 32nd annual technical conference of the Society of Plastics Engineers at San Francisco, by John L. Myers, Marketing Manager - Asbestos, Union Carbide.

3. "Handling Asbestos - Chrysotile Asbestos in Plastics," June 16, 1975, by John L. Myers, Marketing Manager – Asbestos, Union Carbide.

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4. "Grinding Calidria Asbestos Pellets," by Robert E. Byrne, Jr., Area Manager, Calidria Asbestos, Marketing and Technology - Mining and Metals Division, Union Carbide Corporation.

5. Brochure "Calidria Asbestos Pellets Health and OSHA Information" Published November 1, 1977 by Metals Division, Union Carbide Corporation, Niagara Falls, New York.

6. "Consumer Safety in Plastics System Containing Bound Asbestos Fibers presented on November 9, 1977 at the NATEC Meeting of the Society of Plastics Engineers at Denver by Dr. Harrison B. Rhodes, Manager Marketing Services-Asbestos, Union Carbide.

7. "What You Should Know About Asbestos and Health," published by the Asbestos Information Association, disseminated by Union Carbide.

B. RG-244.

1. Brochure "Calidria Asbestos RG-244 - Health and OSHA Information," published February 1, 1975 and revised October 1, 1977 by Marketing and Technology Department - Mining and Metals Division, Union Carbide Corporation, Niagara Falls, New York.

2. "Calidria Asbestos RG-244 - Typical Chemical Analysis," date of publication unknown.

IX. AIA MATERIAL

A. In addition to the above, Union Carbide made the following documents and brochures, which were prepared and published by the Asbestos Information Association, available to Calidria customers:

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1. Testimony by George W. Wright, M.D. before U.S. Dept. of Labor, Occupational Safety & Health Hearing on Proposed Occupational Asbestos Standard, March 14-17, 1972.
2. Testimony by J. Corbett McDonald, M.C. - same as above.
3. OSHA Regulations - 6/7/72.
4. EPA Regulations - 4/6/73.
5. NY Times Article and Rebuttals (Article - 1/21/73, Rebuttals - 2/25/73).
6. AIA Response to the Wall Street Journal - 6/15/72.
7. "Airborne Asbestos" National Research Council, 1971.
8. "Airborne Asbestos" - Summary.
9. "Airborne Asbestos" - References.
10. Asbestos Bulletin (Asbestos Information Committee, London - 9/72).
11. CIBA GEIGY - UK 2/72.
12. QAMA Folder.
13. YMO Report - 10/72.
14. Target Health Hazard Fact Sheet (SILICA).
15. "Asbestos Has Its Defenders" - The Journal of Commerce, 4/20/73.
16. "The Familiar Aroma of Panic" - Editorial, Plastics Technology 3/73.
17. Dust Counting - S. G. Bayer, R. D. Zummalde, T. A. Brown - Feb. 1969 U.S. Dept. of Health, Education and Welfare.
18. Dust Monitoring Equipment & Costs - 2/19/73.
19. AIA - "Protecting The Asbestos Worker".
20. AIA - "Asbestos and Health".

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21. AIA - "The Asbestos Information Association/North America".

22. IA - "Asbestos and Health Questions and Answers".

23. AIA - "What Asbestos Is: How and Where It Is Used".

24. The Northern Miner - "Asbestos Completely Exonerated etc." - 4/19/73

25. Partnership for Prevention - "The Insulation Industry Hygiene Research Program" - 4/70.

26. Asbestos - Reprint from National Safety News - 10/73.

27. AIA Answer to TIME magazine - 2/1/74.

28. AIA "What Every Employee Should Know About Asbestos" -2/74.

29. AIA Response to "Consumers Research" - 1/28/74.

30. "Asbestos Health Question Perplexes Experts," C&EN - 12/10/73.

31. Disputes on the Safety of Asbestos - New Scientist 3/7/74.

32. JIM Speech (SPE Paper).

33. RG-244 Health Booklet.

34. Asbestos in the Atmosphere – AIA/NA.

35. Asbestos in Water - AIA/NA.

36. Asbestos & Silica Dust in the Drywall Industry. Part I – Nov./Dec. 1975, Dr. Rhodes.

37. Asbestos & Silica Dust in the Drywall Industry. Part 2 - Jan./Feb. 1976, Dr. Rhodes.

38. Detection of Chrysotile Asbestos in Airborne Dust from Thermosetting Resin Grinding - 1975, Faulring.

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39. AIA/NA Molding & Fabrication of Asbestos-Containing Plastic Products, Work Practices.

40. Instructions for Sampling of Airborne Asbestos Fibers.

41. Procedure for Pump Calibration used for Monitoring of Asbestos Dust Emissions.

B. The following information pamphlets were mailed to Calidria customers beginning in 1977:

1. "Calidria Asbestos SG-130 and SG-210" sales brochure (1968).

2. "Safe Use of Calidria RG-244" (February 1973).

3. "Calidria Asbestos RG-600 Health and OSHA Information" (February 1, 1975).

4. "Calidria Asbestos RG 244 Health and OSHA Information" (October 1, 1977).

5. "Calidria Asbestos Pellets Health and OSHA Information" (November 1, 1977).

6. Letter to Calidria Customers with health and safety enclosures" (October 24, 1977).

7. Letter to Calidria distributors with health and safety enclosures (September 10, 1979).

8. Letter to Calidria customers with health and safety enclosures (August 20, 1979).

9. Letter to Calidria Customers with health and safety enclosures (October 1, 1980).

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10. Letter to Calidria Customers with health and safety enclosures (November 23, 1981).

11. Letter to Calidria Customers with health and safety enclosures (December 9, 1981).

See also Union Carbide's response to Interrogatory No. 4 for a description of the Repository.

REQUEST FOR PRODUCTION NO. 2:

Any and all documents relating to workers' compensation claims or workers' compensation lawsuits brought against Defendant or any of its compensation carriers, prior to 1970, that allege that an individual contracted a disease from inhaling asbestos fibers or from inhaling unknown dust fibers.

See General Objections #1, #2, #3, #4 and #5. Union Carbide further objects to this Request for Production on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes according to customer specification.

Union Carbide operated its Calidria mine and mill from 1958-1985. During that time there were no worker compensation or other substantiated claims for asbestos-related disease from workers at the mine or mill. (Only one employee or contractor employee has ever filed either a workers compensation or a legal claim against Union Carbide, or, upon information and

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belief, against Union Carbide's successor to the Calidria business. This legal claim was just recently filed this year, and the claimant's work history also identified other possible locations of asbestos exposure. Union Carbide also received one record of an undocumented pulmonary disease and a death certificate for a former Calidria worker, and two reports of asbestos disease in persons working with Calidria at a pilot plant in New York, where other asbestos may also have been used or present.) Dr. Duane Hyde, an independent physician, now retired, who provided medical services to Union Carbide's employees at the Calidria mine and mill is aware of the lack of incidence of asbestos-related disease among the Calidria employees. Other experts can verify the same total lack of disease among workers at other mines in the same Coalinga deposit as the Calidria mine and among people living in the surrounding area. This empirical evidence provides further indication of the uniqueness of the Coalinga/Calidria fiber and its lack of the health or safety hazards of other asbestos.

REQUEST FOR PRODUCTION NO. 3:

Any and all documents reflecting the minutes of corporate meetings of any kind or nature, whether of boards of directors, departments, or otherwise, which reflect or relate to asbestos, asbestos health hazards or asbestos products.

See General Objections #1, #2, #3, #4 and #5. Union Carbide further objects to this Request for Production on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and

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manufacturers for use in their products and production processes-according to customer specification.

See also Union Carbide's response to Interrogatory No. 4 for a description of the Repository.

REQUEST FOR PRODUCTION NO. 4:

Any and all books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings which were received by Defendant prior to 1970.

Union Carbide's Calidria asbestos was not an asbestos-containing product. Rather, it was a unique, short-fiber Chrysotile asbestos sold in fibrous and pelletized forms to producers and manufacturers for use in their products and production processes-according to customer specification.

See Union Carbide's response to Request for Production No. 1 and Interrogatory No. 4.

REQUEST FOR PRODUCTION NO. 5:

Produce any and all written or tangible documentation referencing the medical examination programs(s), medical monitoring programs(s), or other medical surveillance offered or sponsored by Defendant or its insurance carries with regard to workers, exposed or potentially exposed to asbestos at any of Defendant's facilities prior to 1970.

See General Objections #1, #2, #4 and #5. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

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See also Union Carbide's response to Interrogatory No. 4 for a description of the Repository.

Respectfully submitted,

POWERS & FROST, L.L.P.

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ATTORNEYS FOR DEFENDANT
UNION CARBIDE CORPORATION d/b/a
UNION CARBIDE CHEMICAL & PLASTICS,
INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Union Carbide Corporation's Responses to Plaintiffs' First Set of Interrogatories and Requests for Production has been forwarded to counsel of record for Plaintiffs on this the _____ day of _____, 2001.

_____

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CAUSE NO. 15137*BH01

CHARLES R. LATHAM, ET AL *Plaintiffs,*	§	**IN THE DISTRICT COURT OF**
VS.	§	**BRAZORIA COUNTY, TEXAS**
GARLOCK, INC., ET AL. *Defendants,*	§	**23RD JUDICIAL DISTRICT**

AFFIDAVIT OF FACT

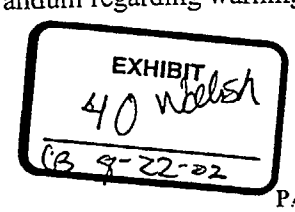
STATE OF TEXAS §
§
COUNTY OF HARRIS §

On this day appeared **C. Taylor Campbell** who is personally known to me, and after having been duly sworn according to law upon his oath deposed and said:

1. "My name is C. Taylor Campbell. I am over the age of 18, have never been convicted of a felony, and am fully competent to make this affidavit. I am an attorney, licensed in the State of Texas, and practicing at the Lanier Law Firm. The facts contained herein are true and correct and based on my personal knowledge.

2. In December 2001, the Lanier Law Firm prosecuted the Latham case in Brazoria County, Texas, before Judge Caldwell. Jim Powers from Powers & Frost appeared as counsel of record for Defendant Union Carbide. During the trial, numerous documents were admitted into evidence, absent any objection or assertion of privilege by Defendant Union Carbide. One such document was a 1975 memo distributed internally at Union Carbide, from H.B. Rhodes to W.C. Thurber, regarding warning labels on bags of asbestos.

3. On August 2, 2002, Jim Powers and I had a teleconference with Wendy Legier, the court reporter from the Latham trial. Ms. Legier read back portions of the transcript from the Latham trial concerning Exhibit 37, the 1975 Union Carbide memorandum regarding warning



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labels on bags of asbestos. The transcript reveals that Exhibit 37 was admitted into evidence without objection and without any privilege being asserted.

4. To date, Union Carbide has never made a written request for the return of any of our Union Carbide documents or made a written assertion that any of our Union Carbide documents are privileged.

Further, affiant sayeth not."

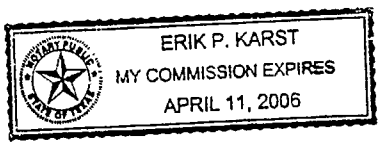
C. TAYLOR CAMPBELL

SUBSCRIBED AND SWORN TO BEFORE ME on this 7th day of August, 2002, which witness my hand and official seal.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Printed Name: ERIK P. KARST

My Commission Expires: April 11, 2006



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METALS DIVISION

[illegible] AVE P O BOX 579, NIAGARA FALLS, NEW YORK 143

Mr. W. C. Thurber
Metals Division
New York, NY

Date: May 30, 1975
"Calidria" Asbestos
Dept. - TECHNOLOGY DEPARTMENT

Subject: OSHA Regulations - Asbestos Use Warnings

Messrs. R. E. Byrne
J. L. Myers
File

This is in response to your request for comments on Marjorie Chamberlain's memorandum of May 5, 1975 on the above noted Subject. The suggestions made by the Law Department undoubtedly maximize protection against possible future product liability suits. On the other hand, cancer is a very emotional word and there is a strong possibility that people will react to it far beyond the real danger involved. This is particularly true when it appears on a label where the actual extent of the risk is not explained.

We cannot predict with certainty what effect the use of the proposed label will have on our business, but the general feeling here is that it is likely to vary somewhere between serious and fatal. RG-244 sales and the future of RG-600, where we have technical and economic advantages but also where substitutes are readily available, appear to be particularly vulnerable.

In view of this it is strongly recommended that the whole picture of business risks, medical risks and the potential liability risks be reviewed in detail and balanced against each other before we pioneer a new concept in asbestos warning labels.

In reality, the memorandum in question focuses on a problem that has been a major concern for the past several years; i.e., what is Union Carbide's basic position on the asbestos and health issue. In lieu of any specific definition of our own, we have been relying on the AIA/NA information which, as I understand it, can be summarized as follows:

1. The 2 fibers/cc limit is safe for chrysotile.

2. Increased incidence of lung cancer require <u>both</u> asbestos exposures sufficient to cause asbestosis <u>and</u> smoking. The effects of these two are synergistic, however.

3. Mesothelioma has only been clearly associated with crocidolite inhalation. There is a real doubt that it can be caused by inhalation of chrysotile fiber.

A2032C

The toxicological picture was outlined orally in general terms to Mr. Stephenson at an Asbestos Review Meeting in early 1974 and he found it acceptable. He also made it clear that Union Carbide Corporation should not be in a business that caused undue risks to people. It was also stressed that if any new medical information became available that would change the picture, we should review our position promptly.

I know of no new medical evidence to change this basic view. The Borel Case, however, seems to have altered the concurrent legal situations. The recommendations in the Chamberlain memorandum place the people in the asbestos business in the ambivalent position of being charged with the responsibility of maximizing the use of asbestos (in applications where it can be used in compliance with OSHA regulations) and simultaneiously being obligated to inform the potential customer that he should really use something else because asbestos "can cause cancer."

Actually this problem is not unique to asbestos even within Union Carbide. Vinyl chloride is in a very similar situation and styrene, vinyl toluene, and phenol appear to be close behind. In fact, it is my understanding that almost any organic chemical based on the aromatic ring can be considered as a suspected cancer-causing agent. It is suggested that we need to look to broad corporate policy in the area of marketing of potentially hazardous materials for guidance in our particular problem.

In this connection it is relevant to mention that the Union Carbide Corporation vinyl latex marketing group has met their problem by reducing the VC monomer content in the latex to a level where there is little chance for the user's exposure to exceed the OSHA action level. They are not labeling. A competitor also lowered the monomer content to a comparable level but a corporate decision was made that they would also label to be on the safe side. The net result of this was a large "label removing ceremony" with pictures and union representatives participating at the customer's (PPG) plant.

Returning to the immediate question of the assessment of the various risks, Union Carbide does not appear to have "in-house" the specialized medical expertise on asbestos to judge the merits of the minority position on asbestos hazards as expounded by the Mt. Sinai group. It is to be expected, however, that all of the latest research results will be argued in great detail in the next few months during the hearings on the proposed amendments to the OSHA asbestos regulations. It is strongly recommended that we do not take any unilateral action until we have the benefit of this information and the decision of the U.S. Government on what they consider to be a safe level. If appropriate, an outside consultant such as Dr. Wright or Dr. Weill might be used at that time for a final review of our position.

We have been in the asbestos business about ten years, are complying with the OSHA regulations and urging our users to do so, and are looking at the possibility of medical problems which take 15-30 years to develop. A period of 3-6 months to study the very complex medical, legal and ethical problems in sufficient depth to reach a proper decision does not seem unreasonable. It is also possible that the labeling question will be taken out of our hands in this time period and be covered by government mandate for the entire asbestos industry. This may occur in the revised OSHA regulations or as a result of two current government studies on the labeling of hazardous materials.

A20321

To conclude these general comments, I would like to express two personal opinions which I am sure represent the attitude of the Asbestos Group at Niagara Falls:

1. If there is really an appreciable chance that the use of our product will result in serious injury to a substantial number of people we should not be supplying it for that end use.

2. If it should turn out that exposure to low levels of asbestos does cause serious injury to a substantial number of people, the courts will find a way to assign liability to the producer regardless of the type of warning labels and information dissemination that they may have used.

The first and most basic thing we need is our best assessment of the medical risk and our best judgment on the reliability of the assessment. When this is available, the legal and business problems can be examined in perspective and an objective decision made on the proper course of action.

The foregoing ideas have been used to prepare the attached commentary on Miss Chamberlain's letter. The comments are not intended to imply an adversary position with our Law Department at a time when communication and cooperation are urgently needed. It is my impression, however, that she was working without benefit of much information on the asbestos health controversy or on the nature of our business. One item not covered is our potential obligation to provide warning labels in the language of the countries to which we ship.

We must be sure that the conclusions drawn accurately represent our situation, so I suggest that we have a meeting with the Law Department soon after the new OSHA regulations are published.

H. B. Rhodes

H. B. Rhodes

Attachment
/ds

A20322

********** COMM. JOURNAL ********** DATE AUG-05-2002 ***** FILE START *** PAGE

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********** ***** **********

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HOUSTON, TEXAS 77269-1448
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TELECOPIER (713) 659-2204

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