IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MAX G. WILLIAMS, and MAUREEN D. WILLIAMS, Plaintiffs, v. NATIONAL GYPSUM COMPANY, et al., Defendants.	)	CIVIL NO. 86-0-714

W.R. GRACE & CO.'S ANSWERS AND
OBJECTIONS TO PLAINTIFFS' INTERROGATORIES

GENERAL OBJECTIONS

The following answers are based upon facts known or believed by W.R. Grace & Co. ("Grace") at the time of answering these interrogatories. Much of the information is sought from many years ago and is, therefore, difficult or impossible to reconstruct or retrieve. Grace therefore, reserves the right to amend these answers as and if new or better information becomes available to it or if errors are discovered.

Plaintiff worker alleges exposure to "asbestos and asbestos related insulation materials" while employed as a general laborer from 1959 to 1985, however, he alleges exposure to a Grace or Zonolite product at only one work site during that entire period. In his answers to interrogatories propounded by Grace, plaintiff worker alleged exposure to "W.R. Grace Zonolite Mono Kote Fire Proofing" at the Northwestern Bell Telephone Bldg., Omaha, NE, while employed by Hawkins Construction Co. Plaintiff worker did not provide specific dates of his employment at this work site. However, in plaintiff worker's medical records, it is stated that



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plaintiff was exposed to asbestos fireproofing while working at a telephone building from 1961 to 1962.

Plaintiff worker provided names of additional employers and job sites in his answers to interrogatories. In an attempt to provide answers to plaintiffs' interrogatories, Grace caused the review of all its existing sales and shipping records during the relevant time period to determine whether it sold or shipped any commercial asbestos-containing products to the employers and job sites named by plaintiffs. In addition, employees of Grace who would have knowledge of such sales were interviewed. No one who was interviewed has a memory of any such sale. The only document that was located that referred to any of the plaintiffs' employers or job sites is one undated document which indicates sales of Zonolite Acoustical Plaster/Plastic to a contractor other than the plaintiff worker's employer at a site identified by the plaintiff worker. Grace denies that this information is relevant to plaintiffs' claim because plaintiff worker has neither alleged exposure to this product nor identified this contractor as an employer.

Therefore, unless otherwise stated in an answer to a specific interrogatory, these answers are limited to Zonolite Monokote (MK-1) and (MK-3). These are spray fireproofing products which contained commercial asbestos, were manufactured by the Zonolite Company, and were used in the commercial construction industry during the years when plaintiff worker apparently was at a telephone building. To the extent that these answers refer to Grace, they are further limited to the activities of Grace's

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Construction Products Division ("CPD") within the United States during the relevant time periods.

Any reference to the manufacture, sale or distribution of a product by an entity other than Grace, e.g., by the Zonolite Company, should not be considered an admission that Grace is liable or responsible for injuries alleged to have resulted from the manufacture, sale or use of such product. Grace reserves the right to object to the admissibility of all or part of any answer to an interrogatory or request for admission on this basis.

To the extent that these interrogatories call for information beyond the limitations stated above, an objection is made thereto as being irrelevant, immaterial, unduly burdensome and oppressive, and/or not reasonably calculated to lead to the discovery of admissible evidence, and the answers thereto are privileged and/or protected.

Grace further objects to these interrogatories insofar as they seek production of any information constituting a trade secret, confidential financial data or other confidential research, development or commercial information.

Grace further objects to these interrogatories insofar as they seek information which is subject to the attorney-client privilege, which evidences or constitutes attorney work product, or which is otherwise not discoverable under the provisions of the Federal Rules of Civil Procedure.

Grace objects to the plaintiffs' definitions of "identify", "you" and "your" as contained in the introduction to plaintiffs' interrogatories, on the grounds that they are overly broad,

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unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Grace further objects to the definition of "your asbestos products" on the grounds that it is vague, ambiguous, and subject to various interpretations. Grace further objects to all of the plaintiffs' instructions and definitions to the extent that they impose obligations beyond those permitted by the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY 1

Please state the name, address and job title of each person who has supplied information used in answering these interrogatories.

ANSWER 1

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving or in any way limiting this objection or the General Objections interposed above, Grace states that these answers were prepared with the assistance of many employees and representatives of Grace, with the assistance and advice of Grace counsel, retained counsel and their staffs, who, in the course of preparing for these and other cases have interviewed many individuals and have reviewed voluminous records of Grace.

INTERROGATORY 2

Please state whether or not you are a corporation; if so, please state your correct corporate name, the state of your incorporation, the address of your principal place of business and whether or not you have ever held a Certificate of Authority to do business in the State of Nebraska.

ANSWER 2

Yes; W.R. Grace & Co.; Connecticut; Grace Plaza, 1114 Avenue of the Americas, New York, New York 10036; yes.

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INTERROGATORY 3

Has defendant at any time engaged in the manufacture of products containing asbestos fibers?

ANSWER 3

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "asbestos fibers" is undefined and thus capable of various interpretations. Subject to these objections and to the General Objections interposed above Grace states yes.

INTERROGATORY 4

Has defendant at any time engaged in the mining of material containing asbestos fibers?

ANSWER 4

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "asbestos fibers" is undefined and thus capable of various interpretations. Subject to these objections and to the General Objections interposed above Grace states that it has never mined commercial asbestos. Further answering, Grace states that it has in the past and continues in the present to mine vermiculite which may contain asbestiform tremolite. Vermiculite is subjected to a purification process which leaves only trace amounts of tremolite, if any amount at all, in finished products that contain vermiculite.

INTERROGATORY 5

Has defendant at any time engaged in the marketing and sale of products containing asbestos fibers?

ANSWER 5

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "asbestos fibers" is undefined and thus capable of various interpretations. Subject to these objections and to the General Objections interposed above Grace states yes.

INTERROGATORY 6

If the answer to one or more of the last three questions is affirmative, please state as to each affirmative answer the following:

➔ a. The trade or brand name of each such product mined, manufactured and/or marketed.

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b. The dates each of such products were placed on the market.

c. The dates each of such products were withdrawn from the market, if ever.

d. A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product.

e. A description of the physical appearance of each such product.

f. A detailed description of the intended uses of each such product.

g. The name of the manufacturer of each such product.

ANSWER 6

a. See Product Appendix Nos. 1-2(a)

b. See Product Appendix Nos. 1-2(c)

c. See Product Appendix Nos. 1-2(d)

d. See Product Appendix Nos. 1-2(b)

e. See Product Appendix Nos. 1-2(f)

f. See Product Appendix Nos. 1-2(g)

g. See Product Appendix Nos. 1-2(d)

INTERROGATORY 7

Prior to releasing the products listed in Interrogatory No. 6 to the public for sale, were any tests conducted on same to determine potential health hazards involved in the use of materials contained therein?

ANSWER 7

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the phrase "potential health hazards" is undefined and subject to various interpretations. Subject to this objection and to the General Objections interposed above, Grace states not to its knowledge.

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INTERROGATORY 8

If so, please state:

a. The name, address and job classification of each individual who conducted such tests.

b. The dates such tests were conducted.

c. The results of said tests.

ANSWER 8

Not applicable.

INTERROGATORY 9

After releasing said products to the public, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein.

ANSWER 9

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the phrase "potential health hazards" is undefined and subject to various interpretations. Subject to this objection and to the General Objections interposed above, Grace states the following concerning tests relating to the spraying of Mono-Kote fireproofing (MK-3):

1. Tabershaw-Cooper Associates conducted air sampling in July, 1970, at three buildings in San Francisco. Fiber concentrations in all spray areas, except for one reading, were found to be below the then existing Threshold Limit Value for occupational exposures.

2. In 1970, the Werby Laboratory reported on air samples taken by Grace employees during Mono-Kote spraying operations in Chicago, Illinois, Los Angeles, California, Omaha, Nebraska and Bethpage, New York. Fiber concentrations were found to be well within the then existing threshold limit values set by the ACGIH.

3. In 1968, the California Department of Public Health, Bureau of Occupational Health and Environmental Epidemiology conducted studies involving the mixing and application of Mono-Kote at the building construction site of the Beverly Hills High School, Beverly Hills, California. The studies showed that the total asbestos fibers in the air were well below the existing threshold limit values established by the ACGIH.

4. In 1972, the Department of Labor and Industries, State of Washington, conducted air sampling during Mono-Kote spraying operations at the Bank of California Center, Seattle, Washington.

Fiber concentrations were found to be within the then existing threshold limit values set by the ACGIH.

INTERROGATORY 10

If so, please state:

a. The name, address and job classification of each person conducting said tests.

b. The dates such tests were conducted.

c. The results of said tests.

ANSWER 10

See answer to Interrogatory No. 9, above.

INTERROGATORY 11

Has defendant at any time published and/or distributed any brochures, pamphlets or other written materials of any kind or character that contain any warnings concerning the possibility of injury resulting from the use of the products listed in Interrogatory No. 6?

ANSWER 11

Yes.

INTERROGATORY 12

If so, please state:

a. The wording of each such warning.

b. A description of each such printed material.

c. The method used to distribute the warning to persons who are likely to use the products.

d. The date each such warnings were issued.

e. The name, address and classification of each person who presently has possession of the above-described documents.

ANSWER 12

See General Objections interposed above. Subject to these objections, Grace states that the 1970 Grace brochure published in Sweet's Catalog of 1971 contained the following paragraphs:

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POLLUTION AND HEALTH: Because of the constantly changing conditions involving fireproofing and its relation to pollution and health, we recommend that you contact your Zonolite sales office for the latest data on these subjects. Recent tests at Underwriters Laboratories, Inc. have provided some fire-ratings on an asbestos-free formula Mono-Kote. Other tests and ratings will follow."

Existing formulations of Mono-Kote contain minimal amounts of asbestos which are locked in during the mixing process. Mono-Kote is wet mixed, pumped and sprayed, and hardens to a cementitious mass. Job-site tests show air fiber counts well below occupational Threshold Limit Values proposed by government bodies.

Relevant, non-privileged and non-trade secret documents responsive to this interrogatory will be produced to plaintiffs in Boston, Massachusetts at a mutually convenient time.

INTERROGATORY 13

Have you received notice that any person other than the plaintiff was claiming injury as a result of using asbestos products manufactured and/or sold by your company (both prior to and subsequent to the filing of this action)?

ANSWER 13

Yes.

INTERROGATORY 14

If so, please state:

a. The name and address of each claimant.

b. The date of notice of each claim.

c. A description of the claim, if any.

d. The type of injuries allegedly sustained.

e. The name and address of each attorney who represents individuals making such claims.

f. The style and court number of each claim currently pending.

g. The resolution of each claim that has been settled or taken to judgment.

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ANSWER 14

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Grace further objects on the grounds that the information regarding personal injury claims is a matter of public record and thus is as readily available to plaintiffs as it is to Grace.

INTERROGATORY 15

Do you have any records indicating that any products containing asbestos fibers were sold to Cagle, Inc. of Omaha, Nebraska during the years 1957 to, and including 1981?

ANSWER 15

Grace objects to this interrogatory on the grounds that it is irrelevant and immaterial in that plaintiff worker has not stated that he was employed by Cagle, Inc.

INTERROGATORY 16

If so, please state:

a. The trade or brand name of each such product sold;

b. The dates each such product was sold;

c. The amount of each such product sold;

d. The intended uses of each such product sold;

e. Whether or not you will produce such records without a request for production.

ANSWER 16

Not applicable. See answer to Interrogatory No. 15, above.

INTERROGATORY 17

Do you have any records indicating that any products containing asbestos fibers were sold to Radisha Construction Co. of Omaha, Nebraska during the years 1957 to, and including 1981?

ANSWER 17

Grace objects to this interrogatory on the grounds that it is irrelevant and immaterial in that plaintiff worker has not stated that he was employed by Radisha Construction Co.

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INTERROGATORY 18

If so, please state:

a. The trade or brand name of each such product sold;

b. The dates each such product was sold;

c. The amount of each such product sold;

d. The intended uses of each such product sold.

e. Whether or not you will produce such records without a request for production.

ANSWER 18

Not applicable. See answer to Interrogatory No. 17, above.

INTERROGATORY 19

Do you have any records indicating that any products containing asbestos fibers were sold to Foreman Brothers Construction Company of Omaha, Nebraska during the years 1957 to, and including 1981?

ANSWER 19

Grace objects to this interrogatory on the grounds that it is irrelevant and immaterial in that plaintiff worker has not stated that he was employed by Foreman Brothers Construction Company.

INTERROGATORY 20

If so, please state:

a. The trade or brand name of each such product sold.

b. The dates each such product was sold.

c. The amount of each such product sold.

d. The intended use of each such product sold.

e. Whether or not you will produce such records without a request for production.

ANSWER 20

Not applicable. See answer to Interrogatory No. 19, above.

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INTERROGATORY 21

Are your asbestos products now or have they in the past been marketed and sold by companies other than your own?

ANSWER 21

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and to the General Objections interposed above, Grace states that Zonolite Company originally had license agreements with many licensee/processors in which the products all bore Zonolite labels. After Grace's acquisition of Zonolite most of these licensees were acquired by Grace.

INTERROGATORY 22

If so, please list the name and address of each such company, the dates sold and the product name if different than your response to Interrogatory 6(a).

ANSWER 22

Relevant, non-privileged and non-trade secret documents which are responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 23

Does defendant have in its possession any 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?

ANSWER 23

Yes.

INTERROGATORY 24

If so, please state for each such publication:

a. The name of each such publication, document or written material.

b. The date each such document, memoranda or written material was published and the name of the publisher and author.

c. The name, job title and address of each person who currently has possession of such documents.

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ANSWER 24

Subject to the General Objections interposed above, Grace states that relevant, non-privileged and non-trade secret documents which are responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 25

Has defendant undertaken to investigate the occurrence in plaintiff's complaint?

ANSWER 25

See the General Objections interposed above. Grace has not investigated the occurrence in plaintiffs' complaint other than the records review and interviews described in the General Objections and the discovery conducted thus far in this case.

INTERROGATORY 26

If so, please state:

a. The name, address and job title of the person participating in each such investigation.

b. List each written record pertaining to such investigation and its location and custodian.

c. Has defendant obtained statements from any witnesses?

d. If so, please list each witness who has given a statement and the name, address and job title of each person having custody of any such statement.

ANSWER 26

a. and b. See answer to Interrogatory No. 25, above.
c. and d. No.

INTERROGATORY 27

Has defendant at any time been a member of any "trade organization" or "association" composed of other manufacturers, miners, and/or sellers of asbestos products?

ANSWER 27

Yes.

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INTERROGATORY 28

If so, please state:

a. The name and address of each such association or organization.

b. The dates during which defendant was a member.

c. The names of any publications published by or written by such association or organization.

ANSWER 28

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that it has attended annual meetings of the Asbestos Information Association since approximately 1977. Further answering, Grace has been a member of the Perlite Institute from 1968 to the present, a sustaining member of the American Industrial Hygiene Association since 1976, a member of the National Safety Council since approximately 1971, and a member of the American Industrial Health Council since 1978. Grace has been a member of the Association of Walls and Ceilings International since the 1970's, a member of the Vermiculite Institute from 1963 to 1971, a member of the Exterior Insulation Manufacturers Association since 1984 and a member of the Safe Buildings Alliance since the spring of 1984.

INTERROGATORY 29

Please identify by location and product, each plant in which products listed in your answer to interrogatory No. 6 have been manufactured and/or mined and the dates said plants have been in operation.

ANSWER 29

See Product Appendix Nos. 1-2(e)

INTERROGATORY 30

Please list the name and address of each business entity from whom you have received raw asbestos and the dates and amounts received.

ANSWER 30

Each plant purchased commercial asbestos on a plant-by-plant basis. W.R. Grace & Co. has determined thus far that the major suppliers of commercial asbestos were Johns-Manville, National

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Gypsum and Carey-Canada. Some commercial asbestos was purchased from Pacific Asbestos Company. Investigation is continuing.

The total pound volume of asbestos purchased by Grace is unknown. Dollar volume known or known approximately for the years 1969 through 1973, is as follows:

1969	$165,000
1970	$193,000
1971	$493,000
1972	$129,000
1973	$147,000

These figures are for all Grace processing plants producing fireproofing and thermal insulation products in the United States.

INTERROGATORY 31

Have sales materials been prepared by defendant or its agent for purposes of marketing or advertising defendant's asbestos products?

ANSWER 31

Yes.

INTERROGATORY 32

If so, please state:

a. The name and address of each person or entity who prepared same.

b. The name, addresses and title of each person who presently has possession of same.

c. The date same was prepared.

d. The media used to disseminate the sales material.

ANSWER 32

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Further answering, Grace states that many individuals have been responsible for marketing and/or advertising over the years. The Grace employees with these responsibilities were as follows:

Christopher L. Lawson
Director of Marketing Communications
Construction Products Division

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W. R. Grace & Co.
62 Whittemore Ave.
Cambridge, Massachusetts 02140
February 1986 - present

Kenneth T. Cheetham
Director of Advertising and Public Relations
Construction Products Division
W. R. Grace & Co.
62 Whittemore Avenue
Cambridge, Massachusetts 02140
1978-February 1986

Richard F. Waltrous
Director of Advertising and Public Relations
Construction Products Division
Approximately late 1976-late 1977

Phillip R. Strand (deceased)
Director of Advertising
Zonolite Company
(later Construction Products Division,
W. R. Grace & Co.)
Late 1960's-late 1979

Daniel Boone (Winnetka, Illinois)
Marketing Manager
Zonolite Company
Prior to late 1960's

We also employed the services of the following:

Fuller, Smith & Ross
Chicago, Illinois & New York City
Prior to 1963 - early 1970's

Charles Palm & Co.
Bloomfield, Connecticut
1974 - 1979

INTERROGATORY 33

Is defendant aware or possessed of knowledge concerning any causal connection between exposure to asbestos or asbestos products and:

(a) Asbestosis?

(b) Lung cancer?

(c) Mesothelioma?

(d) Other cancers?

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ANSWER 33

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that it lacks sufficient specificity regarding type of asbestos, and the level, duration, nature, and manner of exposure. Further, this interrogatory calls for an expert opinion. Subject to these objections and to the General Objections interposed above, Grace states yes.

INTERROGATORY 34

If you affirmatively answered any subpart of Interrogatory No. 33, please state:

(a) When and how defendant first learned of such connection?

(b) If knowledge was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting, and provide identity of persons attending and any documents obtained.

(c) If knowledge was obtained from medical or scientific studies, or any other published work, identify the same.

(d) If otherwise obtained, identify manner of communication and any documents obtained.

ANSWER 34

a.) Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and to the General Objections interposed above, Grace states that it cannot identify the precise date or manner on or by which it became aware or possessed of knowledge concerning such connection as to each specific subpart. Nevertheless, Grace states that it appears that, in 1955, Zonolite Company personnel were informed of a disability claim for alleged asbestosis by a person, possibly named Weismantle, who worked for the California Zonolite Company in Sacramento.

Further answering Grace states that from its investigation to date it appears that the Zonolite Company, which Grace did not acquire until 1963, was informed by the Montana State Board of Health in 1956 that inhalation of asbestos dust had been reported to be associated with the development of pulmonary fibrosis among workers depending upon length of exposure and the nature and concentration of the dust. Grace expressly denies that this information is relevant to the subject matter of this suit or attributable to Grace.

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b.) In 1974, Harry Eschenbach and Peter Kostic attended a seminar sponsored by Johns-Manville held at a hotel in Framingham, Massachusetts. The seminar concerned general health issues related to asbestos and compliance with OSHA and other government regulations.

James Cintani and John Ottinger of Grace attended a meeting at New York University on Asbestos: Environmental Hazards. The meeting was held on June 17, 1969. A copy of an article by Paul Brodeur entitled "The Magic Mineral" (The New Yorker, 1968) appears to have been distributed. Dr. Irving Selikoff presented a report on the health hazards of asbestos.

In or around the summer of 1969, T. Egan of Grace attended a meeting in Ottawa, Canada at which Dr. Irving Selikoff made a presentation regarding the health hazards of asbestos.

In or around Nov. 4, 1969, T. Egan attended the 52nd annual convention of CPLIA in Las Vegas, Nevada. At the convention, Dr. Selikoff spoke about the health hazards of asbestos. His remarks were transcribed and are contained in Vol. I, Convention Proceeding, CPLIA, 52nd Annual Convention.

Robert H. Locke has approximately seven writings he received from the AIA beginning in May, 1982. They include informational memoranda, AIA news and notes, notification of a meeting with agenda, general information about AIA, and correspondence.

c.) Grace currently has a library at its Construction Products Division in Cambridge, Massachusetts. The library contains among other things a collection of medical information pertaining to the effects of asbestos upon human health. Most of such information has been obtained since the mid-1970's.

Grace states also that it has copies of the following articles:

1. "Asbetos Health Question Perplexes Experts," C&EN, ? December 10, 1973, pp. 17-19. ?

2. Reports on Research: MIT, ILP, "Case Study of Productivity and Regulation: The Asbestos Industry," adapted from Priest, Dr. W. Curtiss, "Government Regulation: Trends and Prospects," ILP Symposium at MIT. Date ?

3. Last page of article from Analytical Chemistry, Vol. 51, No. 4, April 1979, p. 525. Received June 17, 1982.

4. Nurminen, M., "A Study of the Mortality of Workers in an Anthophyllite Asbestos Factory in Finland," Work Environ. Health, 1972, pp. 112-118.

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5. Meurman, L.O., Kiviluoto, R. and Hakama, M., "Mortality and Morbidity Among the Working Population of Anthophyllite Asbestos Miners in Finland," British Journal of Industrial Medicine, 1974; 31:105-112.

6. Meurman, L.O., Kiviluoto, R. and Hakama, M., "Combined Effect of Asbestos Exposure and Tobacco Smoking on Finnish Anthophyllite Miners and Millers," Annals New York Academy of Sciences, 1979, pp. 491-495. Received February 4, 1982.

7. Verma, D.K. and Middleton, C.G., "Exposure in the Ceiling and Wall Texture Process," Occupational Health and Safety, pp. 21-24. Date ?

8. Proposed Rules, Federal Register, Vol. 44, No., 202, pp. 60062-63, Vol. 44, No. 243, pp. 73127, 73128, October 17, 1979. Received October 17, 1979.

9. "State Curbs Asbestos: California Contractors Protest Sprayed Fireproofing Guidelines". Date

10. Acheson, E.D. and Gardner, M.J., "Mesothelioma and Exposure to Mixtures of Chrysotile and Amphibole Asbestos," Archives of Environmental Health, July/August 1979, pp.240-242. Received September 26, 1979.

11. Gibbs, G.W., "Etiology of Pleural Calcification: A Study of Quebec Chrysotile Asbestos Miners and Millers, "Archives of Environmental Health, March/April, 1979, pp. 76-83. Received June 6, 1979.

12. "Federal Health Standards Challenge Standards Board," "Asbestos Exposure Rules Must Be Same As Feds," Cal-OSHA Reporter, Vol. 6, No. 24, June 4, 1979. Received June 11, 1979.

13. Berry, G. and Wagner, J.C., "Effect of Age at Inoculation of Asbestos on Occurence of Mesotheliomas in Rats," 1976, pp. 477-483. Received June 15, 1977.

14. Rohl, A.N., Langer, A.M. and Selikoff, I.J., "Environmental Asbestos Pollution Related to Use of Quarried Serpentine Rock," Science, Vol. 196, pp. 1319-1322, June 17, 1977. Received June 15, 1977.

15. McDonald, J.C., Gibbs, G.W., Liddell, P.D.K., and McDonald, A.D., "Mortality After Long Exposure to Cummingtonite - Grunerite," For Presentation at the Annual Meeting of American Thorasic Society, Abstract, May 1977.

16. "Fibers May Be Released in Process of Exfoliation of Vermiculite Ore," Occupational Safety & Health Reporter, 1977.

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17. Greene, P.A. (Staff Associate, Health Research Group, Public Citizen), "OSHA Serves a Corporate Client: Ignoring Asbestos in Vanderbilt Industrial Talc," December 15, 1976.

18. Berry, G., Newhouse, M.L. and Turok, M., "Combined Effect of Asbestos Exposure and Smoking on Mortality from Lung Cancer in Factory Workers," The Lancet, pp. 476-479, September 2, 1972. Received December 6, 1976.

19. Office of Toxic Substances, EPA, "Identification of Selected Federal Activities Directed to Chemicals of Near-Term Concern: Asbestos, Arsenic, etc.," July, 1976. Received November 10, 1976.

20. Jones, H., "Dose Effect Relationships in Carcinogenesis and The Matter of Threshold of Carcinogenesis," 1976.

21. Flickinger, J. and Standridge, J., "Identification of Fibrous Material in Two Public Water Suppliers," 1975.

22. "Standard for Occupational Exposure to Asbestos: Ninth Draft," Task Group on Naturally Occurring Inorganic Fibers, American Society for Testing and Materials, December 15, 1975.

23. National Paint & Coatings Association, "Talc and the OSHA Asbestos Standard 1910.93a," Safety & Health Bulletin, No. 20, December 5, 1974.

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29. Gross, P. and Harley, R.A., "The Locus of Pathogenicity of Asbestos Dust," Archives of Environmental Health, Vol. 27, pp. 240-242, October, 1973. Received November 2, 1973.

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31. Weinhouse, S., "National Institute of Environmental Health Sciences' Conference on Extrapolation of Data from Animals to Man," 1976. Received March 31, 1977.

32. "Mining Enforcement and Safety Administration Proposed Standards Amendments for Metal and Nonmetallic Open Pit Mines," Occupational Safety & Health Reporter, 1973, pp. 458-459. Received September 12, 1973.

33. "Asbestos," National Safety News, August, 1973.

34. "New Magnetic Technique Finds Deposits of Asbestos Dust in Lungs of Workers," Newspaper article. Received May 25, 1973.

35. "EPA: National Emission Standards for Hazardous Air Pollutants," Federal Register, Vol. 38, No. 66, pp. 8820-8850, April 6, 1973.

36. "EPA Sets Final Air Standards for Asbestos, Mercury and Beryllium," Environmental News, March 30, 1973.

37. Porter, B., "An Asbestos Town Struggles with a Killer". Received February 22, 1973. SOURCE

38. Webster, I., "Asbestos and Malignancy,", S.A. Medical Journal, pp. 165-171, February 3, 1973.

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42. Stanton, M.F., "Some Etiological Considerations of Fibre Carcinogenesis," Biological Effects of Asbestos, pp. 289-294, 1973.

43. Selikoff, I.J., Nicholson, W.J., and Langer, A.M., "Asbestos Air Pollution," Archives of Enlvironmental Health, Vol. 25, July 1, 1972.

44. Abstracts: Smith, W.E., Hubert, D.D., and Badollet, M.S., "Biologic Differences in Response to Long and Short Asbestos Fibers"; Reeves, A.L., Puro, H.E., Vorwald, A.J. and Smith, R.G., "Fibrogenicity and Carcinogenicity of Amosite,

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45. "OSHA: Standard for Exposure to Asbestos," Federal Register, vol. 37, No. 110, pp. 11318-11322, June 7, 1972. Received June 13, 1972.

46. "Asbestos, Lung Cancer From Cigarettes (sic) Linked: Doctors Report Mineral Does Not Cause Disease But Enhances Smoking Dangers," Los Angeles Times, July 27, 1972. Received August 3, 1972.

47. U.S. Department of Labor New Release, "OSHA Establishes New Standard for Employee Exposure to Asbestos Dust," June 7, 1972. Received June 14, 1972.

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49. Stanton, J.F. and Wrench, C., "Mechanisms of Mesothelioma Induction with Asbestos and Fibrous Glass," Journal of the National Cancer Institute, pp. 797-822, Vol. 48, No. 3, March 1972.

50. Gibbs, G.W. and Lachance, M., "Dust Exposure in the Chrysotile Asbestos Mines and Mills of Quebec," Archives of Environmental Health, Vol. 24, pp. 189-197, March 1972.

51. Beck. E.G., Holt, P.F. and Manojlovic, N., "Comparison of Effects on Macrophage Cultures of Glass Fibre, Glass Powder, and Chrysotile Asbestos," British Journal of Medicine, 1972:29: 280-286.

Further, Grace will produce relevant, non-privileged and non-trade secret documents responsive to this interrogatory to plaintiffs in Boston, Massachusetts at a mutually agreeable time.

d.) In June, 1970, Peter Kostic corresponded with H.G. Donovan at Johns Manville regarding Dr. Corbett McDonald's publication of an article entitled, "Research on Asbestos and Health: A Progress Report to Employees of the Quebec Asbestos Mining Industry".

Thomas Egan of CPD received a letter dated May 11, 1971 from D. L. Shank, Industrial Manager of the National Gypsum Company, that enclosed an article entitled "Prevention in the Insulation Industry", from the April 1971 edition of Minerals Processing magazine. Shank also sent a copy of the letter and the article to Joseph Schachter, CPD's Director of Purchases.

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Thomas Feit of CPD received a letter dated September 7, 1971 from James F. Reis, Special Representative, Asbestos Fiber Sales, Johns-Manville Sales Corp. that enclosed three articles: 1.) Asbestos and the General Public 2.) Asbestos and Human Health 3.) Source and Identification of Respirable Fibers.

INTERROGATORY 35

Is defendant aware of any medical literature or studies that indicated that there is an association between asbestos exposure and:

(a) Asbestosis?

(b) Lung cancer?

(c) Mesothelioma?

(d) Other cancers?

ANSWER 35

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "association" is undefined and thus subject to various interpretations. Subject to these objections and to the General Objections interposed above, Grace states yes.

INTERROGATORY 36

If you affirmatively answered any subpart of Interrogatory No. 35, please state:

(a) When and how defendant first learned of such connection.

(b) If knowledge was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting and provide identity of persons attending and any documents obtained.

(c) If knowledge was obtained from medical or scientific studies, or any other published work, identify the same.

(d) If otherwise obtained, identify manner of communication and any documents obtained.

ANSWER 36

Grace states see answer to Interrogatory No. 34, above.

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INTERROGATORY 37

Identify all documents concerning any communication to anyone by you or your medical directors or management regarding health hazards associated with asbestos exposure.

ANSWER 37

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Relevant, non-privileged and non-trade secret documents which are responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 38

Identify any documents concerning communications by anyone to you, your medical directors, or management, concerning health hazards associated with asbestos exposure.

ANSWER 38

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Relevant, non-privileged and non-trade secret documents containing information responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 39

As to any knowledge possessed by defendant at any time referred to in your answer to Interrogatories 37 and 38, did you educate your employees, distributors or purchasers of the hazards known to you and the safety precautions necessary to guard against asbestosis and other diseases arising from the use and handling of your products?

ANSWER 39

Grace objects to this interrogatory on the grounds that it is argumentative and misleading in that it assumes that the use and handling of Grace products causes asbestosis and other diseases. Grace further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and to the General Objections interposed above Grace states that certain of its employees would from time to time discuss the use of Grace products with its customers. It is impossible to recreate those conversations. Further answering Grace states that the 1970

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Grace brochure published in Sweet's Catalog of 1971 contained the following paragraphs:

> "POLLUTION AND HEALTH: Because of the constantly changing conditions involving fireproofing and its relation to pollution and health, we recommend that you contact your Zonolite sales office for the latest data on these subjects. Recent tests at Underwriters Laboratories, Inc. have provided some fire-ratings on an asbestos-free formula Mono-Kote. Other tests and ratings will follow."
>
> "Existing formulations of Mono-Kote contain minimal amounts of asbestos which are locked in during the mixing process. Mono- Kote is wet mixed, pumped and sprayed, and hardens to a cementitious mass. Job-site tests show air fiber counts well below occupational Threshold Limit Values proposed by government bodies."

In addition, Grace states that beginning in 1976, in the form of Material Safety Data Sheets, it notified customers of the need to wear NIOSH/MESA-approved respirators when threshold limit values were exceeded.

Also starting in 1976 or 1977, Grace affixed a caution regarding nuisance dust to the packaging of its vermiculite products. This caution read:

> CAUTION
> AVOID CREATING DUST
> BREATHING DUST MAY BE HARMFUL TO YOUR HEALTH
> USE WITH ADEQUATE VENTILATION
> OR WITH RESPIRATORY PROTECTION

As to Grace employees, Grace states that the use of respirators at its vermiculite mine and processing plants preceded Grace's acquisition of Zonolite in 1963. At Grace's mine in Libby, Montana, respirators have been mandatory since about 1954 for all employees working in dusty areas. Respirators were in use at several of Grace's expanding plants prior to 1965, also because of dust.

In 1972 Grace placed government required signs in its vermiculite mines and expanding plants carrying the following warning:

> ASBESTOS
> DUST HAZARD
> Avoid Breathing Dust. Wear Assigned Protective Equipment. Do Not Remain In Area Unless Your Work Requires It. Breathing Asbestos Dust May Be Hazardous To Your Health.

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Grace also published the following brochures for its employees: 1.) What You Should Know About Tremolite and Health; 2.)There Are Some Things You Should Know; and 3.) Before You Begin. These brochures were published after Grace discontinued the manufacture of commercial asbestos containing products.

Relevant, non-privileged and non-trade secret documents which are responsive to this interrogatory will be produced to plaintiff in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 40

If the answer to Interrogatory No. 39 is in the affirmative, please identify:

(a) When and in what manner customers, insulators, factory workers and the general public were so informed;

(b) Documents communicating or otherwise disseminating such information;

(c) Programs initiated or sponsored to establish or promote safety procedures, methods or usage of equipment.

(d) Published articles or reports by employees (present or prior, including those medical directors, scientists, engineers or other professionals;

(e) Symposia or lectures sponsored for the benefit of asbestos or other workers and/or the general public.

ANSWER 40

See answer to Interrogatory No. 39, above.

INTERROGATORY 41

When and by what manner were you first aware of the hazards relating to exposure to asbestos or asbestos products:

(a) For inside insulators and other users and workers;

(b) For outside insulators and other users and workers.

ANSWER 41

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and to the General

Objections interposed above, Grace states that R.A. Bleich, Libby Plant Manager received a letter, dated May 11, 1964, from Benjamin F. Wake, Industrial Hygiene Engineer, Division of Disease Control, Montana State Board of Health. Mr. Wake's letter makes reference to the article co-authored by Dr. Irving J. Selikoff as published April 6, 1964 in the Journal of the American Medical Association that pertained to building trade insulation workers.

Further answering, Grace states that in or around the summer of 1969, T. Egan of Grace attended a meeting in Ottawa, Canada at which Dr. Irving Selikoff made a presentation regarding the health hazards of asbestos.

INTERROGATORY 42

If you have knowledge or information concerning the following, answer in the affirmative or negative, whether:

(a) Early detection of mesothelioma results in any appreciable rate of cure or arrest;

(b) A single exposure to asbestos may cause mesothelioma, or other cancers or asbestosis;

(c) Cumulative or multiple exposures to asbestos result in a greater risk of harm to the exposed person;

(d) An outside insulator has a risk of harm from exposure to asbestos or asbestos products;

(e) Stripping or removing old asbestos creates a greater risk of harm than installation of asbestos or asbestos products;

(f) Cancer resulting from exposure to asbestos develops generally after:

(1) 1-5 years;

(2) 6-10 years;

(3) 11-20 years;

(4) More than 20 years;

(g) There is any known relationship between smoking and mesothelioma;

(h) There is any reported use of mesothelioma other than exposure to asbestos.

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ANSWER 42

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that it lacks sufficient specificity regarding type of asbestos, and the level, duration, nature, and manner of exposure. Further answering, this interrogatory calls for an expert opinion.

INTERROGATORY 43

As to each answer to Interrogatory No. 42, identify at least one person or document upon which answering defendant relies.

ANSWER 43

Not applicable. See answer to Interrogatory No. 42, above.

INTERROGATORY 44

Does defendant contend that asbestos products can be manufactured so as to eliminate all potential health hazards to workers installing same or otherwise exposed to same?

ANSWER 44

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Grace further objects to this interrogatory on the grounds that it is argumentative and misleading in that it assumes that there were dangers associated with the use of the products listed in the Product Appendix.

INTERROGATORY 45

If so, please explain.

ANSWER 45

Not applicable. See answer to Interrogatory No. 44, above.

INTERROGATORY 46

Please describe in detail the type of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.

ANSWER 46

See Product Appendix Nos. 1-2(h).

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INTERROGATORY 47

If any employee or officer of defendant has testified at trial or by deposition in any "asbestos litigation", or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

a. The name, address and title of each person who testified.

b. The date, location and forum of such testimony.

c. Whether defendant has a copy of such testimony.

d. Whether defendant will voluntarily produce such testimony.

ANSWER 47

Grace objects to this interrogatory subpart on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that certain of its employees have testified on behalf of Grace by oral deposition or trial testimony in matters concerning products containing commercial asbestos, as follows:

1. Wilfred Archambo

   2/27-8/84 In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II (Dist. of Mass.)

2. Donald L. Bailey

   1/28-9/86- The Corporation of Mercer University v. National Gypsum Co., Case No. 85-126-3-MAC (M. D. GA)

3. Mark Baker

   1/5/84 - Greenville County School District v. U. S. Gypsum, et al., No. 82-3142-14 (Dist. SC)

4. Alfred Baretta

   6/1/83 - Lona P. Shultz v. Johns-Manville Sales Corp., et al., No. 1-92-83 (Knox County Circuit Court, Tennessee)

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Richland County School District One v. Johns-Manville Sales Corp., et al., No. 82-CP-40-3050 (Court of Common Pleas, Richland, County., SC)

5. Jane Behan

5/13/83 - Lona P. Shultz

Richland County School District One

8/15-6/84 - Michael A. Archie, et al. v. Carey Canada, Inc., et al., No. 84-4447 (Middlesex County Superior Court, Mass.)

6. Donna Black

1/9/85 - Hazel F. Blough v. Pfizer, Inc., et al., No. 84-0209 (Western Dist. of PA)

Idella Kennell v. Pfizer, Inc., et al., No. 84-0208 (Western Dist. of PA)

7. George W. Blackwood

12/19/85 & 1/14/86 Mercer University

8. Ralph Bragg

1/9/85 - Hazel F. Blough

Idella Kennell

11/5/86 & 11/14/86 - Dayton Independent School District v. W. R. Grace & Co., et al., No. B-81-277-CA; B-81-293-CA (Eastern Dist. of Texas)

9. Harry Brown

1/24/86 - Mercer University

10. Norman T. Burns

1/27/86 - State of Maryland V. Keene Corp., et al., Civil Action No. 1108600 (Anne Arundel Circuit Court, Maryland)

11. John Cahalane

6/17/82 - David Donald Smith v. W. R. Grace & Co., et. al., No. 776803 (4th Judicial District, Hennepin County, Minnesota)

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12. Timothy Carrothers

8/5/83 - Greenville County School District

13. William Cavanaugh

1/23/86- State of Maryland

Mercer University

14. Melvin Chambers

8/5/83 - Greenville County School District

15. Judson Chapin

12/16/86 - Dayton Independent School District

16. Kenneth Cheetham

6/1/83 - Lona P. Shultz

Richland County School District One

17. Roger W. Cole

12/13/85 - Sherry Wolfe, et al., v. U. S. Gypsum Co., et al., C/A No. 2-83-329 (E. D. of TN)

Mercer University

Spartanburg County School District v. National Gypsum Co., et al., C/A No. 83-1744-14 (Dist of SC)

City of Greenville v. W. R. Grace & Co., et al.,

Kershaw County Board of Education v. W. R. Grace & Co., et al., No. 85-CP-28-58 (Court of Common Pleas, SC)

1/13/86 & 1/30/86 - State of Maryland

18. Barbara Cross

8/16/84 - Michael A. Archie

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19. Art Dean

6/18/86 Adams-Arapahoe School District No. 28-J v. Celotex Corp., et al., No. 84-C-1974 (District of Colorado)

School District of Independence, MO, No. 30 v. U. S. Gypsum, et al., Case No. CV 84-5334 (Circuit Court of Jackson County, Missouri)

20. Arthur D'Errico

8/15/84 - Michael A. Archie

6/20/86 - Anchorage School District v. W. R. Grace, Case No. A-85-098 (Dist. of Alaska)

1/6/87 - Methodist Health Systems, Inc., v. Armstrong World Industries, Inc., et al., No. 85-2553-GA (Western Dist. of TN)

21. Heyman C. Duecker

1/15-16/86 Mercer University

22. Fred Eaton

10/21-2/86 Dayton Independent School District

23. Thomas Egan

1/9/85 - Hazel F. Blough

Idella Kennell

8/21/86 & 11/24/86 Anchorage School District

9/22/86 - School District of Independence, MO, No. 30

24. Robert Ericson

1/9/85 - Hazel F. Blough

Idella Kennell

1/24/86 - Mercer University

25. Harry A. Eschenbach

6/17/82 - David Donald Smith

8/18/83 - Richland County School District One

1/8/85 - Hazel F. Blough

Idella Kennell

1/17/86 - Mercer University

6/20/86 & 8/7/86 School District of Independence, MO, No. 30

9/5/86 - Anchorage School District

26. Thomas Feit

1/9/85 - Hazel F. Blough

Idella Kennell

7/23/85 & 10/7/85 - Los Angeles Unified School District v. Owens-Corning Fiberglas Corp., et al., Case No. 440-317 (California Superior Court, Los Angeles County)

12/18/85 & 12/18/87 Mercer University

8/20+22/86 Anchorage School District

11/13/86 Melvin Oxnam v. Abel Corp., et al., C/A No. (California Superior Court, Solano County)

5/7/87 - Dayton Independent School District

27. Robert Frohlich

8/18/83 - Richland County School District One

28. John Grimaldi

3/21/84 - In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II

29. Gerald F. Hall

9/18/85 - Los Angeles Unified School District

30. Thomas Hamilton

12/19/83 - Greenville County School District

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31. James B. Henderson

1/20/86 - State of Maryland

Mercer University

32. Oiva Kallio

1/29/87 - City of Manchester v. National Gypsum, Co., et al., Case No. 83-143-L (Dist. of NH)

33. Robert H. Locke

1/14/86 - Mercer University

34. Earl Lovick

12/20-1/83 Greenville County School District

35. Cortland Lowe

3/21/84 - Greenville County School District

36. Jeremiah McCarthy

8/6/86 - School District of Independence, MO, No. 30

37. James Ralph McLeod

9/16/86 - City of Enterprise, a Municipal Corporation, for and on Behalf of Enterprise City Board of Education v. W. R. Grace & Co., et al., Civil Action No. 85-T-914-S (Circuit Court for Coffee County, AL)

38. Robert Merther

6/16/82 - David Donald Smith

8/29/84 - Nina A. Bowman v. Armstrong World Industries, Inc., No. C-2-81-1492 (Southern District of Ohio)

8/30/85 & 12/18/85 Los Angeles Unified School District

39. Marjorie Metcalf

5/31/83 - Lona B. Shultz

6/2/83 - Richland County School District One

12/11/86 - Dayton Independent School District

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6/1/87 - Ashwaubenon School District and Green Bay Area Public Schools v. United States Mineral Products Co., et al., File No. 85-CV-3131 (Circuit Court, Brown County, Wisconsin)

40. Donald Mueller

3/22-3/84 - In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II

41. James F. Murphy, Jr.

6/1/83 - Lona B. Shultz

Richland County School District One

42. Marvin J. Odesky

1/14/86 - State of Maryland

43. Walter Payment

9/16/83 - Greenville County School District

11/4/86 - Dayton Independent School District

44. Thomas Pezzullo

1/8/85 Hazel F. Blough

Idella Kennell

45. Walter Pickthall

4/22/75 - Adolph Carl Kerger v. Owens-Corning Fiberglas, et al., No. 655195 (California Superior Court)

46. Gary Poindexter

9/4/86 - Anchorage School District

47. Douglas Powling

3/29/84 - In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II,

48. Paul Reif

5/31/83 - Lona P. Shultz

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49. Richard Rettew

12/17/86 - Dayton Independent School District

50. Francis Ricci

8/16/84 - Michael A. Archie

51. William Rogers

2/22/84 - In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II

52. Arnold Rosenberg

5/19/87 - Anchorage School District

53. Richard Schneider

8/18/83 - Richland County School District One

10/31/86 - Dayton Independent School District

54. Lawrence Shu, Ph.D.

12/19/83 - Greenville County School District

55. Samuel Lee Templeton

1/4/84 & 7/16/84 Greenville County School District

56. George E. Tierney

8/14+17/84 Michael A. Archie

57. Joseph Timmons, Sr.

1/5/84 - Greenville County School District

58. Stan Titus

2/23-4/84 In RE: Massachusetts Asbestos Cases, M.B.L. I & M.B.L. II,

59. Larry Venard

4/23/87 - Maryland Casualty Co., v. W. R. Grace & Co. 83-CIV-7451 (Southern Dist. of New York)

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60. Rodney M. Vining

9/17/85 - Los Angeles Unified School District

12/20/86 & 1/14/87 - Mercer University

5/6/87 - Anchorage School DIstrict

61. Robert Walsh

5/18/87 - Anchorage School District

62. C. H. Wendell

9/3/86 - Anchorage School DIstrict

63. Bruce Williams

4/15/87 - Kansas City v. W. R.Grace & Co., et al., (Jackson County Circuit Court, Mo)

64. Jack Wolter

1/9/85 - Hazel F. Blough

Idella Kennell

65. Reed Wright

8/16/84 - Michael A. Archie

66. Dr. Julie Chi-Sun Yang, Ph.D.

6/1-2/83 - Lona P. Shultz

Richland County School District One

12/21/83 - Greenville County School District

8/29/84 - Nina A. Bowman

1/29/86 - Mercer University

67. George Zisson

8/14/84 - Michael A. Archie

Bruce R. Williams and Thomas P. Feit presented arguments and data and delivered a statement to the EPA in hearings concerning proposed regulations under the National Emission Standards for Hazardous Air Pollutants held commencing February 15, 1972 in Los Angeles, California. Further answering, Grace states that Robert

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Chaney of the California Zonolite Company appeared before the City of San Francisco Board of Examiners on July 21, 1970 to give his opinion as to the Board's proposed ban on spray fireproofing containing asbestos. Walter Pickthall, San Francisco District Sales Manager for CPD, was scheduled to appear but could not attend due to a personal emergency. On July 23, 1970, David G. Powell, Harvey L. Waxman, and James Cintani of CPD appeared at a meeting of the Ad Hoc Committee on Environmental and Occupational Hazards of Asbestos Fibers of the Philadelphia Department of Public Health to present data pertaining to spray fireproofing products. On March 14, 1972, Walter Pickthall attended a meeting of The Building Standards Co-ordinating Council of the State of California and gave a presentation regarding proposed Assembly Bill 314. On December 6, 1972, Thomas P. Egan submitted a statement to the State of Minnesota Pollution Control Agency concerning proposed Minnesota regulation APC-17 relating to the use of asbestos material.

Grace knows of no person having copies of the transcription of depositions in the Kennell and Blough cases. Copies of transcripts of all other depositions are available at the offices of Grace's outside legal counsel, Casner, Edwards & Roseman, 30 Federal St., Boston, Massachusetts.

INTERROGATORY 48

At the time of the development of each asbestos product listed in Answer No. 6 did you attempt to determine whether the product complied with the then applicable standards, safety orders, regulations, laws, rules and design requirements of any city, county, state or the Federal Government of the United States?

a. If the answer is in the negative, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis.

b. If the answer is in the affirmative, identify those safety standards, safety orders, regulations, laws, rules or other ordinances which you claim you considered.

ANSWER 48

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and to the General Objections interposed above, Grace states that the products listed in the Product Appendix were manufactured according to applicable industry standards. Further answering, Grace states that relevant, non-privileged and non-trade secret documents which are responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

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INTERROGATORY 49

Did you receive or give any warning, instructions or information as to the dangers of asbestos inhalation when you purchased, sold shipped and delivered each order of asbestos products? If so, for each shipment:

a. Describe in detail each such warning, instruction or information given or received.

b. State whether such warning, instruction or information was oral or written.

c. If oral, identify the substance of the warning, instruction or information given and the date and name of the person to whom given or from whom received by other defendants.

ANSWER 49

See the General Objections interposed above. Subject to these objections, Grace states not to its knowledge. Further answering, see answer to Interrogatory No. 39, above.

INTERROGATORY 50

Did defendant ever recommend to purchasers or users of the asbestos products listed in your Answer No. 6 that respirators, protective masks and/or protective clothing be worn with the product? If so, state:

a. The date or dates when such recommendation was made to each purchaser.

b. The date or dates when each such recommendation was made to each user.

c. Who made the recommendation?

d. Who received the recommendation?

e. If oral, the manner and substance of the recommendation?

f. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

ANSWER 50

Beginning in 1977, Grace notified customers in the form of Material Safety Data Sheets of the need to wear NIOSH/MESA-approved respirators if threshold limit values were exceeded. The Material Safety Data Sheets will be made available for inspection in Boston, Massachusetts at a mutually agreeable time.

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INTERROGATORY 51

Does the defendant expect to call expert witnesses at the trial of this case?

ANSWER 51

Grace has not yet decided whom it will call at the time of trial but reserves the right to do so prior to trial. When such decision is made, the information requested will be supplied in an appropriate manner.

INTERROGATORY 52

If so, please identify:

(a) Any expert witness whose testimony you intend to use at trial of this case;

(b) The subject matter on which each expert is expected to testify;

(c) The substance of the facts and opinions to which each expert is expected to testify;

(d) Any former co-worker or supervisor of the plaintiff whom you have interviewed or intend to call as a witness in this litigation.

ANSWER 52

Not applicable. See answer to Interrogatory No. 51, above.

INTERROGATORY 53

Do you contend that the plaintiff's injuries are not causally related to asbestos-exposure? If so, identify:

(a) All documents that you contend support this assertion;

(b) All witnesses having knowledge of facts relevant to this contention; and

(c) State all facts that you contend support this assertion.

ANSWER 53

Grace is unable to answer this interrogatory at this time because it has not obtained sufficient information from plaintiffs and other sources to make this determination and reserves the right to do so prior to trial. Further answering, Grace will assert that there is no causal relationship between such injuries and exposure to its products.

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INTERROGATORY 54

Do you contend that the plaintiff was contributorily negligent? If so:

(a) Identify all documents and witnesses supporting this contention; and

(b) State all facts upon which this contention is based.

ANSWER 54

Grace is unable to answer this interrogatory at this time because it has not obtained sufficient information from plaintiffs and other sources to make this determination and reserves the right to do so prior to trial.

INTERROGATORY 55

Do you contend that the plaintiff's claim is barred by Laches or the Statute of Limitations? If so:

(a) State all facts that you contend support this defense; and

(b) Identify all documents and witnesses that you contend support this defense.

ANSWER 55

Grace is unable to answer this interrogatory at this time because it has not obtained sufficient information from plaintiffs and other sources to make this determination and reserves the right to do so prior to trial.

INTERROGATORY 56

Do you contend that plaintiff received warnings of the danger of asbestos-containing products? If so, identify all witnesses and documents that support this contention.

ANSWER 56

Grace is unable to answer this interrogatory at this time because it has not obtained sufficient information from plaintiffs and other sources to make this determination and reserves the right to do so prior to trial.

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INTERROGATORY 57

Do you intend to assert a defense based on an allegation that plaintiff did not personally handle asbestos products and that you therefore could not have known of the dangers plaintiff incurred by exposure to your products? If so, please state:

(a) All facts that you contend support this defense;

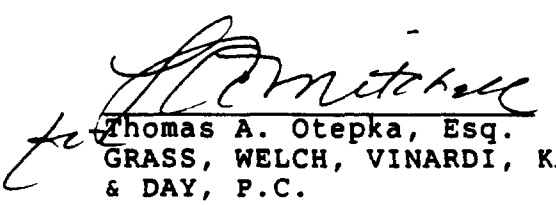
(b) All documents, including medical articles that you contend support this defense; and

(c) All co-worker witnesses having knowledge of facts relevant to this defense.

ANSWER 57

Grace is unable to answer this interrogatory at this time because it has not obtained sufficient information from plaintiffs and other sources to make this determination and reserves the right to do so prior to trial.

W.R. Grace & Co.
by its attorney,



Thomas A. Otepka, Esq.
GRASS, WELCH, VINARDI, KAUFMAN
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Dated:

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Commercial Asbestos Containing Products

1.a. Zonolite Mono-Kote (MK-1).

b. Chemical Composition: approximately 11.9% short fiber Chrysotile asbestos, vermiculite, plaster of paris, Portland cement, ZOD concentrate.

c. 1959 by the Zonolite Company, 1963 by Grace.

d. Produced by Zonolite Company from 1959. Virtually all sales ended by 1962, although there were some sales until approximately 1969.

e. The product was manufactured at some or all of the plants listed below. Approximate dates of production are not known.

(1) Phoenix, Arizona

(2) Los Angeles, California

(3) Sacramento, California

(4) Denver, Colorado

(5) Tampa, Florida

(6) Wilder, Kentucky

(7) New Orleans, Louisiana

(8) Dearborn, Michigan

(9) Minneapolis, Minnesota

(10) Omaha, Nebraska

(11) Trenton, New Jersey

(12) Albany, New York

(13) Portland, Oregon

(14) Travelers Rest, South Carolina

(15) Dallas, Texas

(16) Spokane, Washington.

f. Cementitious light beige fireproofing material.

g. Cementitious fireproofing.

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h. This product was packaged in multi-walled, pasted-valve bags constructed of two 60 pound plies of natural kraft paper, which is prescribed by the transportation industry, specifically, National Motor Freight Classification 100-1.

2. a. Zonolite Mono-Kote (MK-3).

b. Chemical Composition: Short fiber chrysotile asbestos, Vermiculite, Plaster of Paris, Sodium lauryl sulfate. Contained approximately 13.23 percent 7M or 12.18 7R short fiber chrysotile asbestos by weight.

c. Produced by Zonolite Company from 1959 to 1963. Produced by Grace from 1963 until 1973.

d. Produced by Zonolite Company from 1959 to 1963. Produced by Grace from 1963 until 1973.

e. The product was manufactured at some or all of the plants listed below. Where approximate dates of production are known, they are also listed.

(1) Phoenix, Arizona (Glendale); 1960-1973

(2) North Little Rock, Arkansas; 1959-1973

(3) Los Angeles, California; 1959-1973

(4) Newark, California; 1965-1973

(5) Sacramento, California

(6) Santa Ana, California; 1972-1973

(7) Denver, Colorado; 1959-1973

(8) Jacksonville, Florida; 1968-1973

(9) Tampa, Florida; 1960-1967

(10) Chicago, Illinois (W. Chicago); 1959-1973

(11) Wilder, Kentucky

(12) New Orleans, Louisiana; some MK-3 was made at this plant for a short period in the early 1960's

(13) Easthampton, Massachusetts; 1964-1973

(14) Dearborn, Michigan

(15) Minneapolis, Minnesota; 1960-1972

(16) St. Louis, Missouri; 1959-1973

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(17) Omaha, Nebraska; 1962-1973

(18) Trenton, New Jersey; 1964

(19) Albany, New York

(20) Weedsport, New York; 1965-1973

(21) Portland, Oregon; 1963-1973

(22) Ellwood City, Pennsylvania; mid-1960's

(23) New Castle, Pennsylvania; 1969-1973

(24) Travelers Rest, South Carolina; 1959-1965

(25) Kearney, South Carolina; 1966 or 1967-1973

(26) Dallas, Texas

(27) Spokane, Washington; 1959-1973

(28) Milwaukee, Wisconsin

f. Light beige cementitious material.

g. Fireproofing.

h. This product was packaged in multi-walled, pasted-valve bags constructed of two 60 pound plies of natural kraft paper, which is prescribed by the transportation industry, specifically, National Motor Freight Classification 100-1.

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CERTIFICATION

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX, SS.)

Merrie E. Schippereit, being first duly sworn, on oath deposes and says she is a Vice-President of Finance, of the Construction Products Division of W.R. Grace & Co., defendant in the above-entitled action; that she has read the foregoing answers to interrogatories and knows the contents thereof; that said answers were prepared by and with the assistance of employees and representatives of the corporation, with the assistance and advice of counsel, upon which she has relied; that the answers set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently W.R. Grace & Co. reserves the right to make any changes in the answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein the said answers are true to the best of her present knowledge, information and belief.

M E Schippereit

MERRIE E. SCHIPPEREIT

Subscribed and sworn to before me
this 30th day of June , 1987.

Hilary H. Chen

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was forwarded this 15th day of October, 1987, by depositing same in the United States Mail, postage pre-paid, addressed to:

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1329A

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