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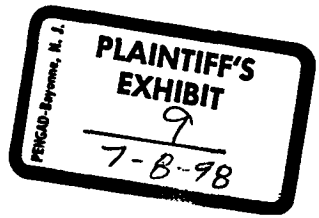
IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

C. P. JACKSON, et al.,	:	Case No. CV 88-103483
Plaintiff,	:	Judge James Williams
vs.	:	
THE B. F. GOODRICH COMPANY, et al.,	:	
Defendants.	:	

ANSWERS, RESPONSES AND OBJECTIONS OF DEFENDANT, THE B. F. GOODRICH COMPANY, TO PLAINTIFF'S INTERROGATORIES

Defendant, The B. F. Goodrich Company (hereinafter, sometimes referred to as the "Company" or as the "Defendant"), reserves all of its rights to object and/or otherwise litigate all issues of competency, relevance, materiality, privilege and admissibility as evidence for any purpose relative to all information herein either in the trial of this matter or otherwise. The Company's following responses are not intended to waive any general objection raised herein.

Further, without limiting the foregoing, the Company, by counsel, generally objects to the Instructions and Definitions and the Interrogatories on the grounds that; 1) said instructions and definitions render the interrogatories unduly over broad and overly burdensome, cause them not to be calculated to lead to the



discovery of admissible evidence and render them improper under the Ohio Rules of Civil Procedure; 2) said instructions and definitions result in requests for information protected by the attorney client privilege and the work product doctrine; and 3) said instructions and definitions represent an improper attempt to expand the requirements of Rule 33 of the Ohio Rules of Civil Procedure with respect to answering interrogatories and supplementing same.

Responses to inquiries concerning asbestos or asbestos-containing materials at the Company's facility where Plaintiff worked should not be construed as an express or implied admission that any asbestos fibers were airborne, or, if they were, that any human exposure resulted.

The Company, by counsel, objects to the interrogatories to the extent they call for information which relates to persons other than the Plaintiff. The Company, by counsel, further objects to these interrogatories to the extent they call for information that is not available or accessible from its present employees or from records kept or compiled by persons employed by it. Various products and processes of the Company are confidential and trade secrets. The Company objects to the discovery to the extent that it seeks disclosure of detailed operating practices, process information and/or other information that is protected from disclosure.

Without waiving the foregoing objections and defenses the Company provides the following responses and will make available to the plaintiff's counsel for inspection copies of the non-

privileged documents indicated in the interrogatory answers. Each and all of the foregoing objections and defenses are hereby incorporated by reference in each and all of the following answers and responses.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE

By: _____

F. Daniel Balmert
1375 East Ninth Street
2100 One Cleveland Center
Cleveland, Ohio 44114
(216) 621-7091

Attorneys for Defendant,
The B. F. Goodrich Company

CERTIFICATE OF SERVICE

The undersigned, being one of the attorneys for the Defendant, The B. F. Goodrich Company, hereby certifies that a copy of the foregoing has been served upon counsel for the Plaintiffs, Dale S. Economus, Esquire, Bevan & Economus, 9821 Olde Eight Road, Northfield, Ohio, 44067, by placing same in the regular U.S. mail, postage prepaid, this 17th day of Nov-ber, 1989.

_____

F. Daniel Balmert

111789/08023090.wp5/ldm

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

C.P. JACKSON, et al.	)	Case No. CV 88-103483
	)	
Plaintiff	)	JUDGE JAMES WILLIAMS
	)	
vs.	)	
	)	
THE B.F. GOODRICH CORP., et al.	)	PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT, B.F. GOODRICH CORPORATION
	)	
Defendant	)	
	)	
	)	

Now comes Plaintiff, by and through his counsel, and requests that Defendant answer separately and in full in writing and under oath within 28 days of service hereof, the following Interrogatories pursuant to Ohio Rules of Civil Procedure. These Interrogatories shall be deemed continuing so as to require supplementory answers between the time answers are served and the time of trial in accordance with Ohio Rules. If you will do so without a formal motion to produce, please attach copies of supporting documentation to your answers.

In answering the Interrogatories, furnish such information as is available to Defendant, and in the possession or control of its attorneys, investigators, agents, employees and/or other representatives of the company or its attorney. More particularly, the following definitions apply:

1. "Document(s)" or "writing(s)" shall include all writings, drawings, graphs, charts, floor plans, blue prints, photographs, phonorecords, and all other data compliations and/or communications.

2. A request to "identify" a writing or document means a request to either attach such an exhibit to your answers to the interrogatories, or to describe such with sufficient specificity that it may be made the subject of a request for Production of Documents. Your description should include without limitations, an "indication" of:

(a) the author; (b) addressees; (c) it's date; (d) the nature of the writing or document, (i.e. letter; telephone memorandum; audio tape recording; photograph; etc.); (e) a summary of the contents: (f) the present location and custodian thereof.

3. A request to "identify" a person or individual shall include any corporation, partnership or any recognizable entity. Your response to such a request shall include the individual's name, place of employment, job title, present business or home address and present business or home telephone number.

4. A request to "identify" a product, material or substance means a request to describe the product, material or substance by the following means:

(1) by nickname or slang name used in your corporation;

(2) by the name under which it was sold in the market place (i.e. trade name); and

(3) by its generic name.

You are reminded that all answers must be made separately and fully, and that incomplete or evasive answers will constitute a failure to answer. Further, you are requested to identify documents relevant and referable to the specific catagories and areas of inquiry set forth herein.

INTERROGATORIES

1. Identify the individual(s) answering these interrogatories on behalf of Defendant: State name(s), address(es), employer(s), of anyone who is answering, and/or supplied any information with respect to such answers on behalf of Defendant.

ANSWER:

See Attachment #1

2. State by indicating Plant location (description) and department and the year worked, each location worked by Plaintiff.

ANSWER:

See Attachment #2

3. Identify whether Defendant (including its agents, representatives, and employees) has at any time purchased, stored, used, handled, or disposed of any products, materials, or substances, containing any amount of asbestos or asbesti-form minerals, at any of its facilities in Summit County, Ohio.

ATTACHMENT #1

Richard Jacobson, The B.F.Goodrich Company, 3925 Embassy Parkway, Akron, Ohio 44313

Richard Rotan, Covington Capital Corp., 500 South Main Street, Akron, Ohio 44308

Larry Brinkley, 142 Hollywood Avenue, Cuyahoga Falls, Ohio 44221

Harold W. Dietz, M.D., The B.F.Goodrich Company, 3925 Embassy Parkway, Akron, Ohio 44313

Robert W. Modrell, The B.F.Goodrich Company, 3925 Embassy Parkway, Akron, Ohio 44313

Charles Platt, 338 W. Howe Rd., Cuyahoga Falls, Ohio 44221

John Dick, Uniroyal-Goodrich Tire Company, 600 South Main Street, Akron, Ohio 44319

F. Daniel Balmert, Esq., Vorys, Sater, Seymour & Pease, 2100 Cleveland Centre, 1375 East 9th St., Cleveland, Ohio 44114-1724

William E. McCormick, 419 Dorchester Road, Akron, Ohio 44313

Jerry A. Smith, The B.F.Goodrich Company, 500 S. Main St., Akron, Ohio 44318

Marilyn Petroski, The B.F.Goodrich Company, 3925 Embassy Parkway, Akron, Ohio 44313

ATTACHMENT #2

From	To	Bldg.	Dept.	Job
6/22/42	8/16/42		D/6565	Servicing tire machines
Served in Armed Forces				
1/3/46	4/21/47		D/6565	"
4/21/47	2-21-51		D/6580	Low crown and passenger tires
2/22/51	1/1/52		D/6580	Low crown and passenger tires, servicing tire machine
1/2/52	12/9/63		D/6565	Servicing tire machines
12/10/63	1/17/64		D/6580	Ply boy, Group 1 Mill Man
1/18/64	3/5/68		D/6580	Group #8 cure
3/6/68	6/17/68		D/6580	N.S. Butt Splice Heavy Purpose
6/18/68	1/12/69		D/6580	Cure H.P.
1/13/69	3/29/71		D/6565	Cure 45" Presses Heavy Purpose.
3/30/71	10/5/76	4-A	D/6565	Group #25 Heavy Purpose
10/6/76	9/30/82	3-A	D/6565	Cure Bladder Type Presses H.P.

1954, 1955, 1957, 1958, 1959, 1960, 1961, 1963 excused union business.

11/1974 - 4/1979 Union Official.

The Company does not have records which indicate the specific buildings in which Mr. Jackson worked prior to 1971. However, the jobs that he held were all related to the tire-making process, and his jobs would have been in those areas of the complex where tiremaking took place.

(Plaintiff's original personnel file is available for inspection and copying.)

ANSWER:

yes

4. If the answer to the preceding interrogatory is affirmative, state for each such product, material, or substance "identify":

a. Its name, and general description, quantity purchased or obtained by Defendant on each date obtained; the name and address of the person or business from whom it was purchased or obtained by Defendants;

ANSWER: a) The Company has purchased raw asbestos and certain products containing asbestos over the years. The Company believes that some pipe insulation used prior to about 1970 may have contained asbestos, and that certain machinery may have used asbestos as an insulating material. Any asbestos and products containing asbestos that were purchased over the years were purchased from a wide range of suppliers, and the precise quantities purchased, the dates on which such purchases were made, and the specific name and addresses of the vendors supplying particular products are not presently known. Investigation into the existence of quality control records which may provide information sought by this interrogatory is continuing.

b. The name and address of each building or other structure, and the location within that building or structure;

(1) In which it was stored, warehoused, or installed by Defendant prior to use, and the dates of each storage at each location;

(2) In which it was used, placed in different containers, or made available to any workers, and the dates of each use, re-packaging, or availability to workers at each location;

(3) In which it was discarded, disposed of, or stored after use, and the inclusive dates of each such discarding, disposal, or storage after use at each location.

ANSWER:

b) There was some storage of asbestos prior to its use on the first floor of Building 502 and in Building 513. These are located in the section of the Akron complex in which adhesive products were manufactured. Asbestos was also used for a period of time in the areas of Bldg. 5 where compounding of bowdome ingredients occurred. Some asbestos storage occurred in Bldg. 23, where the compounding of ingredients used in the manufacture of bowdome stock took place. The specific dates on which such storage, usage, and disposal took place are not known. Prior to about 1960, asbestos also was used in the manufacturing process in Building 30.

c. Whether any such product(s) existed at or in any work location, department or building at which Plaintiff worked, and if so, identify each location and each product at that location.

ANSWER:

c) To the best of the Company's knowledge the only asbestos that existed in any of the locations, departments, or buildings in which the plaintiff worked was contained in any pipe insulation at any such location, or in certain pieces of machinery placed in such location, and the Company is not certain that either the pipe insulation or the machinery used in the locations where the plaintiff worked contained asbestos.

d. Identify whether Defendant currently possesses any samples of each such product, material, or substance; and the name(s) and address(es) of those persons responsible for purchasing such materials or products previously discarded between the years 1939 and present.

ANSWER:

d) No such samples of materials to which the plaintiff may have been exposed have been located in the possession of this Defendant. The persons responsible for the Company's purchasing from 1939 to the present are listed, to the extent known, as an answer to Question 16.

5. For each such product, material or substance containing asbestosis or asbesti-form minerals which was identified in Interrogatory No. 3, describe:

a. The function(s) or purpose(s) for which it was or is used in Defendant's business operations;

ANSWER

a) To the best of our present knowledge, asbestos was not used in any aspect of the tire-making process. Asbestos, when used in the facility or manufacturing process, is generally used for its thermal characteristics, such as insulation, heat retardation, etc.

b. The substantive content, form, source, and location of any information relating to its exact mineralogical components, and the proportions of these components, of which Defendant has any knowledge:

ANSWER:

b) The Company does not maintain this information except as may be contained in Material Safety Data Sheets that it has retained. See also the answer to Interrogatory 4(a).

The Company does have MSDS sheets which describe the properties of asbestos. Those MSDS sheets are attached as Exhibit 5-B.

c. The substantive content, form, source, and location of any information relating either to instructions for its use, or to any dangers to health associated with such use, which was provided to Defendant when it was purchased or obtained by Defendant;

ANSWER:

c) Such information received from a provider of asbestos is available only for the most recent purchases from that provider. It is contained on Material Safety Data Sheets ("MSDS") received from such providers. MSDS information that is superseded by more recent information is discarded.

d. The substantive content, form, source, and location of any information relating either to instructions for its use, or to any dangers to health associated with such use, which became known to Defendant at any time after it was purchased or obtained by Defendant;

ANSWER:

d. Attached as Exhibit 5-D is a current compilation of publications presently available to the Company's Environmental Health Department. Additional general reference or library-type materials are also presently available to said department.

e. The substantive content, form, source, and location of any information relating either to instructions for its use, or to any dangers to health associated with such use, which was provided by Defendant to employees in any fashion, and the inclusive dates that such information was provided to employees; and

ANSWER:

See Attachment #3

f. Any and all safety equipment or devices provided by Defendant to any employees in connection with its storage, use, handling, or disposal, and the inclusive dates that such equipment or devices were provided or made available to employees.

ANSWER:

f. The Company has provided respirators to those of its employees who worked directly with asbestos or products containing asbestos since around 1970. The most recent respirators were called Comfo-II's, manufactured by MSA. Prior to that, respirators were purchased from Willson. At a later date (sometime in the 1970s), the Company also provided protective clothing to employees working directly with asbestos.

ATTACHMENT #3

5e. It was the general policy in the Akron complex to hold employee meetings regularly to discuss health and safety issues with employees. Further, it is understood that pursuant to the labor contract between the Company and the URW, joint meetings were held between appropriate Company and union officials to discuss health and safety issues. It is the recollection of former Company employees that the dangers associated with asbestos and instructions as to its use were discussed at these meetings. In addition, the Company conducted detailed training sessions for its employees, which included training in the use of substances that were deemed hazardous. Both the Industrial Hygiene and Safety Departments of the Company were very active in communicating to employees who worked with hazardous substances the dangers associated with the use of those substances.

6. Please state the methods and procedures implemented to install, use and/or repair the asbestos and/or asbestos products, the individual who is most knowledgeable regarding the installation, use and/or repair of the asbestos and/or asbestos products, and the manufacturer and/or seller of any of the asbestos products used at the B.F. Goodrich 500 South Main Street Akron, Ohio Plant.

ANSWER:

Attached as Exhibit 20 to these interrogatories are three pages from a safety manual developed by the Company in 1979. This manual provides guidance as to how asbestos was to be handled by employees working with it at the Company's Akron complex. Mr. Larry Brinkley, who was the Director of Safety at the Akron complex at that time, is knowledgeable about such methods, as were others employed at the complex. In determining how to handle asbestos and products containing asbestos, the Company also took account of information provided by asbestos manufacturers Material Safety Data Sheets (MSDS) or other similar information.

7. Did you perform, direct to be performed, finance, sponsor or receive the results of any studies or tests concerning the relationship between the exposure to asbestos, silica and/or talc at your Summit County, Ohio plant or facility, and asbestosis, silicosis, talcosis and/or any other related disease or condition.

ANSWER:

No

8. If the answer to the preceding Interrogatory is affirmative, describe: when, where, and at what intervals such studies were performed, were such studies in writing, when and to whom the results of such studies were published or distributed, who performed such studies, and where the results of such studies are located.

ANSWER:

N/A

9. Did you perform, direct to be performed, finance, sponsor, or receive the results of any dust monitoring tests of job sites where asbestos, talc, and/or related products were being purchased, stored, used, handled, manufactured, disposed of, or sold, at your Summit County, Ohio plant or facility. Include date(s), location(s) of the first test, when, where, and at what intervals tests were performed, whether such studies were in writing, when and to whom the results were published or distributed, who performed such studies, and where are the results of such tests maintained.

ANSWER:

The Company has performed dust monitoring tests in the Akron complex since at least the mid-1940's. These tests were not performed at specific intervals, but were performed on an ongoing basis to determine whether dust levels at the facility exceeded the levels set out in standards prepared first by an industry organization known as ACGIH, and later, OSHA. The test results were generally taken by the Industrial Hygiene Department of the Company, which did write up the results of such tests. The tests were generally conducted in response to specific conditions in which it was believed that such testing was appropriate. The results were distributed to various individuals for the purpose of determining whether engineering changes needed to be made to the complex to reduce the levels of dust in particular areas of the plants, and also to individuals who could determine what, if any, protective equipment was appropriate for employees working in the areas in which dust was found. Many test results continue to be stored at the Company's headquarters in Bath, Ohio (said test results which relate to the departments where the plaintiff regularly worked are available to the extent that they exist).

I. DOCUMENTATION AND RECORDS

10. Identify the names of present company agents or employees who have knowledge of the purchase, storing, use, handling, manufacturing, disposal of, or sale of asbestos, talc, and/or related products at any and all of your plants or facilities in Summit County, Ohio.

ANSWER:

Harold W. Dietz, M.D.
Robert W. Modrell

Certain employees of the Company's Adhesive Systems business unit are believed to possess knowledge regarding the proper usage of asbestos.

11. Identify the names of present company agents or employees with knowledge of the written records and documents in possession or control of Defendant (including its agents, representatives, and employees) which refer to the purchase, storing, use, handling, manufacturing, disposal of or sale of asbestos, talc, and/or related products at any and all of your plants or facilities in Summit County, Ohio.

ANSWER:

Marilyn Petroski
Harold W. Dietz, M.D.

Certain employees of the Company's Adhesive Systems business unit are believed to possess records concerning the purchase of asbestos for use in the adhesive manufacturing process.

12. Identify the title and location of all written records or documents in the possession or control of the Defendant (including it agents, representatives, or employees) which refer to the purchase, storing, use, handling, manufacturing, disposal of or sale of asbestos, talc, and/or related products at any and all of your plants or facilities in Summit County, Ohio.

ANSWER:

See answers to prior interrogatories. Further, such documents, to the extent they may exist, are not readily located at any one site. Because the Akron complex has been closed for over two years, and because most of the businesses located at the complex have been divested, very few records remain in the possession of the Company. The Company does continue to maintain updated MSDS sheets concerning asbestos use, the 1979 safety manual and the results of certain monitoring tests taken in the complex.

13. For all suppliers of asbestos products and/or installers of asbestos containing products at B.F. Goodrich, Summit County Ohio Plants state:

a. Name(s), address(es) and year(s) of supply or installation, type of asbestos product supplied, such as but not limited to asbestos pipe covering, installation (include a description of such products).

ANSWER:

a. See answer to interrogatory 4(a).

The Company no longer maintains records which indicate specifically what types of asbestos products were supplied or when such products were supplied.

b. The Company has no present specific knowledge that asbestos-containing products were installed, repaired and/or replaced around the plaintiff.

b. Were any of such asbestos products installed, repaired, and/or replaced, or used around plaintiff and/or any other of defendant's employees (including but not limited to Pipe coverers, Tire Builders, Hose Room workers, Tube Room workers, Boiler Room workers, Calander Room workers, and Tire Curing areas);

To the extent that pipe insulation or certain parts of the machinery (e.g., brakes and gaskets) in the plant contained asbestos, then the repair and replacement would have taken place in the areas described in the question. However, if such repair and replacement involved the possibility that impermissible levels of asbestos could be released into the air, precautions were taken with respect to employees working in those areas, either by providing them respirators, removing them from the affected areas, or performing maintenance work when no workers were present in those areas. Since 1970, asbestos has not been used for this purpose by the Company.

c. State whether any of such asbestos products fray, flake, dry out, crack, peel, become damaged and fall to the floor of Defendant's Summit County complex, or become airborn, and/or fall on or around Plaintiff and/or other employees of Defendant while they were employed at such Summit County complex; (included but not limited to those areas listed in (b), and the areas in which such employee job classifications listed in (b) worked); and state whether any dust was created by using, installing, or supplying such asbestos products and/or while such asbestos products were in use and/or being used by Defendant and describe any precautions and/or programs and/or actions Defendant undertook to control such asbestos dust.

ANSWER:

c. This question is confusing and not understood fully. The repair and replacement of asbestos-related items has been effected for at least twenty years in accordance with specific procedures designed to limit any exposure to asbestos on the part of employees, and the creation of dust. Employees who worked in the complex recall that the pipe insulation was in generally good condition.

With respect to the use of asbestos in certain mixing processes (i.e., the manufacture of bowdomes and adhesives), some asbestos may have become airborne. However, the Company tested for the level of airborne asbestos, and did take precautions to control same. Asbestos was not used in the manufacturing processes which took place in the rooms cited in the question.

EXHIBIT 23-A

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

U.S. Department of Labor - OSHA
Federal Office Building - Room 899
1240 East 9th Street
Cleveland , OH 44199

3. Issuance Date: 5/21/86	4. Inspection No. 0156469
5. Reporting ID: 0502300	6. CSHO ID: R2205
7. Optional Report No.	8. Page No. 1 of

1. Type of Violation(s)	2. Citation Number
Other	01

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s): 3/19/86 3/27/86

11. Inspection Site:
500 S. Main Street
Akron, OH 44318

9. To:
B. F. Goodrich
and its successors
500 S. Main Street
Akron, OH 44318

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is affirmed by the Review Commission.

13. Item Number / Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1 29 CFR 1910.1001(f)(2)(i):	Proper samples were not collected from the breathing zones of employees when determining exposure to airborne asbestos fibers: Ceiling concentrations of asbestos fibers were not collected in dept. 7821.	Immediately Upon Receipt	0.00

Area Director: William A. Thomas

17. $ 0.00

18.

NOTICE TO EMPLOYEES — The law gives an employee or representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

CITATION AND NOTIFICATION OF PENALTY — DUPLICATE — OSHA-2 (Rev. 1/84)

14. With respect to asbestos pipe covering and/or asbestos installation, state:

a. The name(s) and address(es) of supplier(s) and year(s) supplied, the trade name(s) or product name(s) of such asbestos pipe covering or insallation.

ANSWER:

a. See answer to interrogatory 4(a).

The Company has no specific knowledge of which suppliers sold asbestos to the Company for this purpose at any particular point in time. Since about 1970, the Company has not used asbestos in pipe covering.

15. State whether such asbestos products were installed and/or used and/or torn out, and/or replaced, by Defendant, Defendant's agent(s), and/or anyone obtained by Defendant in any areas where Plaintiff worked and whether such use of installation occured while Defendant's employees were working in such areas.

ANSWER:

To the extent that pipe insulation used prior to 1970 contained asbestos, the repair or replacement of such insulation occurred in places where employees worked, although not necessarily when employees were working there. Such repair or replacement was after, though not always performed by outside contractors knowledgeable in such processes. Members of the Maintenance Department also performed such tasks. The Company took precautions to protect employees against known health hazards. If the Company's Industrial Hygiene Department determined that a risk was posed in the repair or replacement of asbestos, appropriate precautions would have been provided to employees.

16. List the name(s), home address(es), home phone number(s), business address(es), business phone number(s), department(s), position(s), job title(s), and year(s) held such title(s) and/or position(s) for the person(s) in charge or responsible for Defendant's Purchasing Department, Shipping and Receiving Department(s) and any and all persons who were involved in, responsible for, or most knowledgable for the purchase, supply, installation, or use of asbestos and/or asbestos containing products used by defendant, or purchased by Defendant between the dates of January 1, 1930, and the present.

ANSWER:

Purchasing

1984-1986 - Fred Warburton - Vice President, Purchasing
1223 Ledgewood Drive
Akron, Ohio 44313

1979-1984 - Robert Manser - Vice President, Purchasing
Address not known

? - 1979 - James Ellis - Director, Purchasing
1111 Plantation Lane
Mt. Pleasant, South Carolina 29464

Richard G. Ellsworth was employed for many years in the purchasing function at the Akron complex, under the direction of the above individuals.

It is our understanding that the person most knowledgeable in the shipping and receiving area was Bruce Kline. His address is 326 Kent Drive, Tallmadge, Ohio 44278.

17. Did Defendant use any machines (including but not limited to pot heaters, curing heaters and tire molds) at its Akron, Ohio Rubber Plants at 500 South Main Street, Akron, Ohio. If yes, Identify:

a. Who supplied such machinery, (name and address) and who manufactured such machinery (name and address), whether these machines contained and/or used asbestos, whether such asbestos in such machines was repaired, changed, taken out, or replaced by Defendant, its employee, or anyone Defendant contracted with to perform such work;

ANSWER:

See Attachment #4

b. Were Defendant's employees working in areas where such work as indicated in (a) was being performed; and were these employees provided with masks or respirators.

ANSWER

b. The Company would have removed employees from areas where such machinery was being repaired, if the Company's Industrial Hygiene Department determined that the activity would create a health risk to employees.

ATTACHMENT #4

a. As a major manufacturer of tires and rubber products, the Company obviously used a great deal of machinery at its Akron, Ohio complex. The machinery that has been identified and the manufacturer of such machines (where known) are as follows:

Pot heaters
Curing heaters
Tire Molds
Bead Machines
Tire Machines (Goodrich, Akron Standard
Bias Cutters (National Rubber Machinery, Spadone)
FCDs
Tire Painters
Bagging Machines
Tire Curing Presses (National Machinery, McNeil, Summit [pre-1960])

Most of these machines contained braking devices, which may at one time have used asbestos or asbestos-based products as an insulating material. Asbestos may also have been used as platen insulation and in 'heat shield'-type functions in certain of the machinery, such as tire curing presses. The Company does not recollect who repaired this machinery, or whether there was ever any need to repair or replace any parts of the machinery which may have contained asbestos or an asbestos containing product.

18. Did Defendant, Defendant's employees or anyone Defendant contracted with saw, tear, cut, drill, divide, rip any asbestos products, either to replace, repair, or take out or tear out such products. If yes state:

a. Names and addresses of all persons doing such work, and whether any airborn dust was created as a result of such activity described above;

ANSWER:

a. To the extent that pipe insulation contained asbestos prior to 1970, Company employees in the maintenance department and outside contractors were involved in repairing or replacing that insulation when doing so was necessary. The Company has no present knowledge of which specific employees or contractors performed such activity.

See also the answer to Interrogatory #19.

b. Whether Defendant's employees in general and Plaintiff in particular worked in and around areas when such activity described above was taking place; and whether Defendant's employees were given masks, respirators, or other breathing devices.

ANSWER:

b. The Company would have removed employees from areas when pipe insulation removal was occurring if the Company's Industrial Hygiene Department determined that the activity would create a health risk to employees. We have no present knowledge as to plaintiff's activity in this regard.

19. State whether Defendant has abated or removed any asbestos products. Include names and addresses of company, corporation, or person(s) who abated or removed such asbestos products, departments/areas in which asbestos was abated or removed, and whether Defendant has any samples, memorandum, reports or any other oral or written communication regarding asbestos removal or abatement.

ANSWER:

In 1987, the Company substantially abated the entire Akron complex in preparation for its sale. The contractor used to accomplish this work was Echlin Corporation.

Those written materials regarding the abatement program which are contained in the Company's files will be made available for inspection by the plaintiff.

20. State whether or not Defendant has ever had in its possession any safety manuals providing for the safety of workers as it relates to asbestos. Include: the exact identity of all manuals including dates, authors, and publishers, the location of these materials, whether these manuals were ever used in any safety procedures or policies, and whether you will tender without the need of subpoena or request of production of documents, copies of all such manuals.

ANSWER:

Yes. In 1979, a safety manual of the Company was developed which contained information relating to asbestos. The manual was prepared principally by and under the direction of Mr. Larry Brinkley, who was the Director of Safety at the Akron complex at that time. (A copy of the pages of the manual which relate to asbestos are enclosed as Exhibit 20. The Company will make the entire manual available without the need of a subpoena, but does not believe that any other sections of the manual are relevant to the issues at hand.) It was prepared for the Company's Engineered Products Division, but was used throughout the Akron complex.

21. Identify all or any floor plans or blue prints of any and all B.F. Goodrich plants in the Akron area. Include: the name(s), address(es), and telephone number(s) of the custodian(s) of such plans, a complete identity of each floor plan or blue print, the location of such records, and whether you will make such records available to Plaintiff's counsel for copying without the need of subpoena duces tecum or request for production of documents.

ANSWER:

The Company has in its possession a partial drawing of the Akron complex. The Company believes that certain floor plans and blueprints of the complex (many of which may be in microfiche form) are in the possession of The Uniroyal/Goodrich Tire Company, 600 S. Main St., Akron, Ohio 44319.

22. State whether Defendant has ever been inspected by Ohio EPA or Federal OSHA relative to airborn asbestos in the work environment in any of its plants in Summit County.

ANSWER:

Yes

23. If the answer to Interrogatory #22 is affirmative:

a) State the results of all tests since 1950.

ANSWER:

a. On March 18, 1980, the EPA conducted a compliance audit of the handling of asbestos in the Adhesives business. It does not appear that any citations were issued against the Company arising out of that audit.

See Attachment #5.

b) State whether any state or federal agency or arm ever found Defendant to have impermissible quantities of airborn asbestos in the work environment of any of Defendant's plants in Summit County.

ANSWER:

b. To the best of the Company's knowledge, no.

c) If the answer to (c) above is affirmative identify the date(s), report(s) and contents of any citations, reports or other written documentation applicable.

ANSWER:

ATTACHMENT #5

c. On March 19, 1986, OSHA inspected certain portions of the Akron complex and cited the Company for not properly collecting ceiling concentrations of asbestos fibers and samples from the breathing zones of employees in the area where bowdome stock was mixed, as required by federal regulations. No finding of excess airborne exposure was made.

A copy of the citation issued in 1986 is attached as Exhibit 23-A.

On October 5 and 6, 1982, OSHA conducted a full safety and health inspection of the entire complex. OSHA did request information about the handling of asbestos ashing in the Adhesive department. The Company sent information to OSHA regarding this, which apparently satisfied the agency.

VERIFICATION

State of Ohio)
)SS
County of Summit)

Richard N. Jacobson, being first duly sworn according to law, states that he is Senior Corporate Counsel of The B.F.Goodrich Company and, in that capacity, that the foregoing responses are true to the best of his knowledge and belief based upon information supplied to him by others upon whom he has reasonably relied.

Richard N. Jacobson

Richard N. Jacobson

Sworn to before me and subscribed in my presence this 17th day of November, 1989.

NOTARY PUBLIC
F. DANIEL BALMERT
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
LIFETIME COMMISSION