

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GENE MALIKO, et als., : Honorable Lee H. Sarokin
Plaintiffs, : Civil Action No. 76-1533
: PLAINTIFFS' AND DEFENDANT'S
: STATEMENT OF UNCONTESTED FACTS:
: ATTACHMENT TO #7 OF THE PRETRIAL
ON CARBIDE CORPORATION, : ORDER
l.,
Defendants. :

The defendant, Union Carbide Corporation ("Union Carbide")
incorporated in the State of New Jersey and is authorized to
business in the State of New Jersey.

Union Carbide is engaged in the manufacture, sale and
distribution of chemicals and plastics and has been involved in
business since November 1, 1917.

Union Carbide is a large American producer of chemicals and
manufactures and distributes chemicals all over the world.

Union Carbide manufactured vinyl chloride monomer from the
1930's until August 1, 1969.

Also from the early 1930's until the present, Union Carbide
manufactured polyvinyl chloride resins.

Between 1964 and 1976, Union Carbide produced approximately
varieties of polyvinyl chloride resins.

Other products that have been manufactured by Union Carbide
are polyethylene, polystyrene and bis-phenol-A.

Union Carbide owns a bulk terminal facility in Perth Amboy,
New Jersey.

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18. The bis-phenol A was manufactured by Union Carbide in its Ponce, Puerto Rico plant.

19. Bis-phenol A is used, generally, for the manufacture of epoxy, polycarbonate, polysulfone, phenoxy, phenolic resins, and as an antioxidant.

20. Between the years 1963 and 1974, Union Carbide shipped the following approximate amounts to the terminal in Perth Amboy:

Polyvinyl Chloride: 780,200,000 pounds

Polyethylene: 2,667,800,000 pounds

Polystyrene: 115,300,000 pounds

21. For the years 1972 through 1974, Union Carbide shipped approximately 77.6 million pounds of bis-phenol A to the Perth Amboy terminal.

22. All four products were generally shipped in large closed aluminum van boxes holding 35,000 to 50,000 lbs. of substance, although other forms of conveyance were used.

23. Each van had hatchways and openings closed by rubber gasketed bolted plates or blind flanges.

24. The substances were repackaged into multiwall kraft paper bags containing 40 - 50 lbs. of resin; covered railroad hopper cars holding 100,000 lbs. of resin; and covered special hopper cars holding 30,000 lbs. of resin.

25. The decedent Eugene Maliko was born on August 14, 1926.

26. For approximately the first 26-27 years of his life he lived in Nesquehoning, Pennsylvania.

27. Eugene Maliko began working at the terminal on January 9, 1967 and continued in his employment there until November 10, 1974.
28. During his employment, Mr. Maliko held several positions.
29. His first job was as a utility man, and in this position he spent most of his time cleaning the premises.
30. For less than a year, Mr. Maliko was a utility man and, thereafter, he became a maintenance man, which position he held for six years until he left in November, 1974.
31. In that position he worked with material which was bagged in containers marked "Union Carbide."
32. Eugene Maliko died on December 16, 1978.
33. The decedent Henry Mazanowski was born April 4, 1924.
34. Plaintiff, Janet Mazanowski is the widow of the decedent Henry Mazanowski and the Administratrix ad Prosequendum and Administratrix of his Estate.
35. Mr. Mazanowski was employed at this terminal as a packager from November 1966 until late 1973.
36. Henry Mazanowski died on January 23, 1974.
37. Plaintiff Arthur Schaffer was born on October 15, 1928 in Wilkes Barre, Pennsylvania.
38. Mr. Schaffer moved to Jersey City, New Jersey when he was 16 years old.