

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

KENNETH GRIMM, Personal
Representative of the ESTATE
OF HELEN GRIMM, Deceased,

Plaintiff,

Case No. 83-2872-NO

vs.

Hon. Raymond R. Cashen

FORD MOTOR COMPANY, a foreign
corporation, UNION CARBIDE
CORPORATION, a foreign corpora-
tion, DIAMOND SHAMROCK CORPORATION,
a foreign corporation, STAUFFER
CHEMICAL COMPANY, a foreign
corporation, TENNECO, INC., a
foreign corporation, TENNECO
CHEMICALS, INC., a foreign
corporation, UNIROYAL, INC., a
foreign corporation, ALLIED
CHEMICAL CORPORATION, a foreign
corporation, HOOKER CHEMICALS &
PLASTICS CORP., a foreign
corporation, FIRESTONE TIRE &
RUBBER COMPANY, a foreign
corporation, B. F. GOODRICH
COMPANY, a foreign corporation,
GOODYEAR TIRE & RUBBER COMPANY,
a foreign corporation, Jointly
and Severally,

Defendants.

ANSWERS TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES TO DEFENDANT HOOKER
CHEMICALS & PLASTICS CORPORATION

Occidental Chemical Corporation answers Plaintiff's
First Set of Interrogatories to Defendants, to the extent they
are directed to Hooker Chemicals & Plastic Corporation, to the
best of its knowledge, information and belief as follows:

GENERAL OBJECTION

Hooker objects generally to plaintiff's First Set of Interrogatories to Defendants to the extent they are not limited to information relating to plaintiff's decedent's injuries and PVC products sold by Hooker to the Mt. Clemens facility of the Ford Motor Company.

Information is provided herein for discovery purposes only and without prejudice to either the foregoing General Objection or objections to specific interrogatories; all such objections are reserved.

ANSWERS

1. The type of "PVC product" used by Ford Motor Company which is the subject of this action was first manufactured in 1968.

2. The type of "PVC product" used by Ford Motor Company which is the subject of this action was first sold in 1968.

3. Yes.

4. Yes.

5. a. Occidental's records do not contain the identification and/or specification number of the "PVC" product.

b. Occidental's sales figures only go back as far as 1973. PVC Resins were sold in 1973, 1974, 1975 and 1976 while Coated Fabrics were sold in 1974 and 1975. No Compounds or Calendered Products were sold to Ford Motor Company from 1973 to 1976.

c. PVC Resins can be identified by CAS No. 9002-86-2. The Coated Fabrics are a discontinued product line and no composition data is available.

d.	1973	48,340 lbs. of PVC
	1974	1,013,640 lbs. of PVC 276,434 lbs. of Coated Fabric
	1975	882,820 lbs. of PVC 229,134 lbs. of Coated Fabric
	1976	903,300 lbs. of PVC

6. a. Polyvinyl chloride resins.

b. Same as above.

c. The intended use is determined by the customer, Ford Motor Company, which upon information and belief used the product for the manufacture of vinyl-coated fabric for automobile upholstery.

d. Bags, bulk trucks, and/or bulk railcars.

e. Yes. The customer mixes the PVC with plasticizers, stabilizers, colorants, fillers, and other chemical substances, which then is converted into a sheet product. There are literally hundreds of chemical additives that may be incorporated with PVC resins, the selection of which by the customer is dependent upon the ultimate product to be produced.

7. a. First commercially sold in 1968 by this Defendant.

b. Unknown; this is a licensed foreign process.

c. See answer to b.

d. This defendant has no such records, but literature and patents exist on polyvinyl chloride encompassing the design and development of PVC resins.

e. Rucor resins were manufactured at the Burlington, N.J. facility. All records pertaining to testing of these polymers are located at the facility.

f. See answer to b.

8. This interrogatory is ambiguous as to time, is overbroad as it seeks information irrelevant to this action, is unduly burdensome, is ambiguous as to the term "possible injurious effect" which is not limited to the breast cancer at issue, refers to "users of the product" not at issue here since plaintiff's decedent apparently never "used" PVC, and any product to which plaintiff's decedent allegedly came into contact was not a product of this defendant but rather, at most, a modification and conversion of a product of this defendant.

9. This interrogatory is overly broad as it seeks information irrelevant to this action. Ford Motor Company was the purchaser of defendant's product, and Ford Motor Company had available to it from a variety of sources information on the safe handling, use and processing of PVC, including information provided by this defendant, material data safety sheets, packaging labels with warnings in compliance with OSHA regulations, medical and scientific literature, etc. This defendant never sold any product to residents of the adjacent residential neighborhood and does not understand plaintiff's decedent to have purchased or used PVC. Any product with which plaintiff's decedent came into contact was not a product of this defendant but rather, at most, a modification and conversion of a product of this defendant. Accordingly, this defendant did not provide instructions or warnings to residents of the adjacent residential neighborhood, does not know if Ford Motor Company provided such, and does not know if the processes of Ford Motor Company resulted in exposure of such residents to any product with dangerous properties.

10. See the answers to Interrogatories 8 and 9. This defendant's PVC product generally was sold only for industrial or technical use, and not to consumers or residents of the residential area adjacent to the Ford Mt. Clemens vinyl plant.

11. Yes, in addition to Ford specifications.

a. Not applicable.

b. At all times, this defendant complied with all safety standards, orders, regulations, laws, rules and design requirements of federal, state and local authorities, including those of the Food and Drug Administration, the U.S. Department of Agriculture, and the American Conference of Government Industrial Hygienists.

12. Yes, see the answer to Interrogatory 11.

13. During the time period plaintiff's decedent lived on Lafayette, there were no significant changes in the basic manufacturing process of the PVC products in question.

14. See the answer to Interrogatory 9.

15. Not in connection with inhalation of "VCM" by residents of a residential neighborhood adjacent to a plant where PVC resin is used to manufacture vinyl-coated products. This interrogatory should be addressed to the owners and operators of such plants, such as Ford Motor Company.

16. Yes.

a. Yes, however Defendant is unable to answer this Interrogatory with respect to those years the subject product was supplied to Ford Motor Company.

b. Approximately 1945.

c. 100% in 1945; however, again Defendant is unable to answer this Interrogatory with respect to those years the subject product was supplied to Ford Motor Company.

17. Yes.

a. Confining itself to the years of this Defendant's supply to Ford, after the EPA regulation in October 1976 the concentration was less than 400 ppm.

18. This interrogatory is not relevant to this action, which does not involve exposure of plaintiff's decedent to bulk PVC resin at room temperature, but rather claims to involve exposure to PVC or VCM following use of PVC resin in the process of manufacturing and fabricating vinyl-coated material, through discharge of PVC into the ambient air surrounding the Ford Mt. Clemens vinyl plant. The amount of PVC and VCM released into the ambient air depends upon the fabricating process and facilities of Ford Motor Company, and accordingly any request for this information should be directed to Ford Motor Company.

19. See the answer to Interrogatory 18.

20. See the answer to Interrogatory 16.

21. Occidental's records do not contain this information.

22. This interrogatory is ambiguous given the factual context of this case, and specifically as to whether it refers to ventilation during the production of the PVC product, ventilation to minimize exposure of employees working in a fabricating process in which PVC is used as one ingredient in the manufacture of vinyl-coated material, or ventilation of such a fabricating process to minimize discharge of fabricating ingredients into the ambient air. Of those three possible interpretations of this ambiguous interrogatory (and

undoubtedly there are other possible interpretations), the first and second are irrelevant to this action, and second and third should be addressed to the Ford Motor Company.

23. Yes.

a. Heat stability is continually being improved.

24. Defendant objects to this interrogatory as irrelevant to this action, since "safety to the users" of PVC products is not at issue, as this case does not involve an employee of Ford Motor Company who used PVC products as part of a fabricating process, but rather involves a resident of the neighborhood adjacent to the Ford Mt. Clemens vinyl plant who never used a PVC product and whose alleged exposure to a PVC product does not arise out of her use of that product.

25. Defendant assumes that the "system of inspection" referred to in this interrogatory is the same "system of inspection" referred to in Interrogatory 24, and accordingly defendant objects to this interrogatory for the reasons stated in response to Interrogatory 24.

26. Defendant assumes that the "inspection" referred to in this interrogatory is the same "inspection" referred to in Interrogatory 24, and accordingly defendant objects to this interrogatory for the reasons stated in response to Interrogatory 24.

27. Defendant assumes that the "inspection" referred to in this interrogatory is the same "inspection" referred to in Interrogatory 24, and accordingly defendant objects to this interrogatory for the reasons stated in response to Interrogatory 24.

28. Defendant assumes that the "inspection" referred to in this interrogatory is the same "inspection" referred to in Interrogatory 24, and accordingly defendant objects to this interrogatory for the reasons stated in response to Interrogatory 24.

29. Defendant assumes that the "inspection" referred to in this interrogatory is the same "inspection" referred to in Interrogatory 24, and accordingly defendant objects to this interrogatory for the reasons stated in response to Interrogatory 24.

30. Defendant objects to this interrogatory in that any advertising of PVC products would have been limited to trade publications and technical specification sheets directed to industrial and technical users, and not to residents like plaintiff's decedent of neighborhoods surrounding plants where PVC resins were used as ingredients in a fabricating process. There is no allegation in this case that plaintiff's decedent ever read or relied upon any advertisement by defendant, or even that any advertisement by defendant was false or included a warranty that was breached.

31. No such materials were made available to the general public. Otherwise, defendant objects to this interrogatory for the reasons stated in the answer to Interrogatory 30.

32. See the answers to Interrogatories 8 and 9. Defendant objects to the undefined and unlimited term "health hazards" as this case involves an alleged hazard to an adjacent resident from materials emitted into the ambient air by the

user of PVC in a fabricating process. Defendant is not aware of any hazard posed to such a resident from such an emission.

33. This interrogatory, which is expressly limited to "possible health hazards...to your customer," is irrelevant to this action since plaintiff's decedent was never a customer of this defendant.

34. See the answer to Interrogatory 6(e).

35. See the answers to Interrogatories 8, 9, 32 and 33.

36. This interrogatory cannot be answered in its present form because of the ambiguous, non-specific, undefined reference to "deleterious materials other than VCM." This defendant does not know what plaintiff means by the quoted phrase, and knows of no "deleterious materials other than VCM" in the PVC resin itself. As to fabricating processes in which PVC resin may be used as one ingredient, defendant is without sufficient information about "deleterious materials" which may be used as additives by purchasers in those processes.

37. Defendant objects to this interrogatory because it is ambiguous, overly broad, and involves cancers other than the breast cancer alleged to have been suffered by plaintiff's decedent. Defendant does not recognize that its PVC products are causally related to breast cancer in residents of neighborhoods adjacent to plants where such PVC products are used in the process of fabricating vinyl-coated material.

38. Defendant objects to this interrogatory because it is vague, seeks information irrelevant to this action, and

includes terms such as "unimpaired" which are not sufficiently defined to be answerable in a scientific manner. According to studies published by the Dow Chemical Company, when VCM is inhaled it is metabolized by certain animals or it is exhaled.

39. Defendant objects to this interrogatory on the grounds that it involves cancers other than the breast cancer alleged to have been suffered by plaintiff's decedent, and is not limited to residents of neighborhoods adjacent to plants where PVC resin is used in the process of fabricating vinyl-coated material, but rather relates to defendant's own employees involved in the manufacture of PVC resins.

40. See the answer to Interrogatory 39.

41. See the answer to Interrogatory 39.

42. See the answer to Interrogatory 39. Defendant knows of no diagnosed cases of breast cancer among residents of dwellings adjacent to or near plants using PVC resins to fabricate vinyl-coated material, where a causal link between exposure to PVC products and the breast cancer has been established.

43. Defendant does not know of any lawsuit against it claiming that a resident of the neighborhood adjacent to a plant contracted cancer from exposure to defendant's PVC resin used in that plant to fabricate vinyl-coated material.

44. No.

- a. Defendant had no right to inspect the facilities of Ford Motor Company and was not requested or invited to do so.
- b. Not applicable.

45. 1976 was the first year for VCM product testing. Spot checks to determine OSHA standard status were performed in 1974/1975.

46. Yes. 39 Fed. Reg. 123472 (1974) and 29 CFR Sec. 1910.1017 and 39 Fed. Reg. 35896 (1974).

47. The interrogatory is overbroad, as it seeks information irrelevant to this action, and is ambiguous as to time period. Defendant has used a variety of monitoring techniques, which have complied with OSHA requirements since they have been in effect.

48. Defendant objects to this interrogatory as overly broad and seeking information irrelevant to this action, since it relates to rules for the handling of VCM and PVC by defendant's employees, whereas the instant case involves alleged exposure of a neighboring resident to PVC product emitted through the ambient air from a plant where PVC resin was used as an ingredient in the process of fabricating vinyl-coated material. Defendant complied with OSHA requirements with respect to its own employees.

49. For purposes of discovery, the organizations, inter alia, are: SPI, SPE, CMA, ACS, etc.

50. Since the dates of this Defendant's supply to Ford, no.

51. September 1, 1976 for HCPC as a company.

a. The need was apparent from a study by a consultant.

- b. Niagara Falls, New York.
- c. Usual & customary for medical director.
- d. J. Wilkenfeld, Los Angeles M. R. Zavon, M.D., Niagara Falls.

52. Hooker in Niagara Falls, N.Y. hired its first Industrial Hygienist in 1977. The reason for hiring is unknown. John Janus was hired by J. Wilkenfeld, Los Angeles and M.R. Zavon, M.D., Niagara Falls. From 1968 to 1976 there was no in-house Industrial Hygienist.

53. See the answers to Interrogatories 8, 9, 33, 35 and 36.

54. During the years 1968 to 1976 the Ruco R&D effort was located in Niagara Falls. Records do not indicate that funds were contributed to research for VCM. The records at Burlington were destroyed by water a few years ago.

55. None of defendant's employees have so testified.

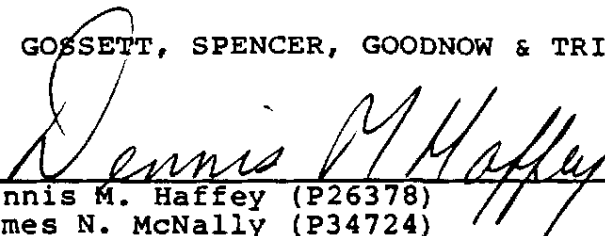
56. This has not yet been determined, nor can it be determined until plaintiff has disclosed his experts and made them available for depositions.

57-63. See the answer to Interrogatory 56.

Information was compiled and provided by counsel after consultation with various corporate personnel and records.

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG

By:


Dennis M. Haffey (P26378)
James N. McNally (P34724)
Attorneys for Hooker Chemicals
& Plastics Corp.
35th Floor - 400 Renaissance Center
Detroit, Michigan 48243
(313) 568-6704

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DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG • 35TH FLOOR • 400 RENAISSANCE CENTER • DETROIT, MICHIGAN 48243

URL 09907

VERIFICATION

STATE OF PENNSYLVANIA)
)
COUNTY OF MONTGOMERY)

Robert D. Luss, being first duly sworn, deposes and states that he is Assistant Secretary of Occidental Chemical Corporation; is authorized to execute these interrogatory answers on its behalf; knows that these interrogatory answers were prepared from information obtained from various persons and records; and certifies them to be true to the best of the corporation's knowledge, information and belief.

Robert D. Luss
(Name)

Subscribed and sworn to before me
this 4th day of January, 1985.

Rosemary A. McCoy
Notary Public

Rosemary A. McCoy, Notary Public
Lower Pottsgrove Twp., Montgomery County
My Commission Expires Aug. 8, 1988
Member, Pennsylvania Association of Notaries