

NO. 88-9327-A

KENNETH THRAPP AND	§	IN THE DISTRICT COURT
LINDA THRAPP	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
ARMSTRONG WORLD INDUSTRIES,	§	14TH JUDICIAL DISTRICT
INC., ET AL.		

ARMSTRONG WORLD INDUSTRIES, INC.'S
AMENDED ANSWERS AND OBJECTIONS TO PLAINTIFFS'
INTERROGATORIES TO DEFENDANT

COMES NOW, Defendant, Armstrong World Industries, Inc., and makes and files this its Amended Answers and Objections to Plaintiffs' Interrogatories to Defendant as follows:

GENERAL OBJECTION, STATEMENT AND LIMITATIONS

These responses are based on facts known to or believed by Armstrong at the time of answer. Because much of the information is sought from many years ago and is therefore difficult or impossible to reconstruct or retrieve, we reserve the right to amend these responses as, and if, new or better information becomes available or if any error is discovered. These responses are from Armstrong's records and knowledge and not those of its former wholly-owned subsidiary, Armstrong Contracting & Supply Corporation (hereinafter ACandS), which operated independent of Armstrong. Although Armstrong manufactured nonpariel asbestos-containing insulation materials from approximately 1910 until the early 1930's, Armstrong is not aware of any current personal injury claims with respect to those products; thus, no answers are given concerning those products. Armstrong's contract department expanded into the high-temperature insulation contracting field at

ARMSTRONG WORLD INDUSTRIES, INC.'S AMENDED
ANSWERS AND OBJECTIONS TO PLAINTIFFS' INTERROGATORIES

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insurance carrier, but Armstrong does not believe that Dr. Hinshaw spoke with Armstrong officials or employees.

Respectfully submitted,

DeHay & Blanchard
Plaza of the Americas
600 North Pearl Street
2500 South Tower, LB 201
Dallas, Texas 75201-2880
Telephone (214) 953-1313
Telecopier (214) 220-0439


GARY D. ELLISTON
State Bar No. 06584700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has been forwarded to counsel for Plaintiff, by Hand Delivery, on this the 2th day of April, 1991.


GARY D. ELLISTON

materials be generally applied or used without creating dust?

ANSWER:

Objection. This interrogatory/request contains an implicit assumption of matters not otherwise established, which renders the interrogatory/request as argumentative, incapable of fair and correct answer, and without foundation. Without waiving same, if this interrogatory means, can products be applied without creating any dust whatsoever, even the minutest amount, the answer has to be no since the application of any product raises at least the atmospheric dust which has settled upon it.

8. Please list any written memoranda, specifications, recommendations or any other written materials of any kind or character existing which relate to the potential health hazards of said asbestos-containing products or materials.

ANSWER:

Objection. This interrogatory is overly broad, vague and ambiguous. Objection. This interrogatory/request contains an implicit assumption of matters not otherwise established, which renders the interrogatory/request as argumentative, incapable of fair and correct answer, and without foundation. Without waiving same, Armstrong's understanding of the effects of asbestos on the health of workers came about as follows:

Armstrong first became aware that the Commonwealth of Pennsylvania listed asbestosis as a compensable disease in its Occupational Disease Act and regulations at about the time of their enactment in 1937. The payment of life insurance, weekly sickness

and non-occupational benefits, total and permanent disability benefits, and retirement pensions were undertaken by Metropolitan Life Insurance Company in 1931 for Armstrong and it undertook a number of plant surveys over time in order to determine ratings for premiums and to identify and eliminate any potentially harmful conditions. Air samples were taken in 1939, and one sample was viewed as requiring a reduction of atmospheric dust for safety purposes. A survey in 1948 included a description of asbestosis and stated that "the threshold limit for asbestos dust adopted by the American Conference of Governmental Hygienists at their 1948 meeting is 5 million particles of asbestos per cubic foot of air."

Armstrong now understands that such statement by Metropolitan was consistent with a report of the U.S. Public Health Service, authored by Dr. W. C. Dreessen in 1938, entitled "A Study of Asbestosis in the Asbestos Textile Industry," wherein Dr. Dreessen stated that the threshold concentration of dust should be the highest dust concentration of dust concentration that would not produce pneumoconiosis in an originally healthy workman during his entire working life, and that "5 million particles per cubic foot may be regarded tentatively as a threshold value for asbestos dust exposure until better data are available." Dr. Dreessen further stated that "it would seem that if the dust concentration in asbestos factories could be kept below 5 million particles..., new cases of asbestosis probably would not appear." Armstrong is not aware of any employee who developed asbestosis as a result of exposure in any of its plants while asbestos was being used in

those plants.

Armstrong employed union insulators in its insulation contracting business until the end of 1957. Armstrong's worker's compensation insurance carrier visited jobs in progress to inspect job conditions and observe if reasonable safety precautions were being taken, and at no time reported to Armstrong that insulators were exposed to asbestos dust above the threshold limit values or that hazardous conditions relating to asbestos existed on its job sites. Armstrong was also informed that the Massachusetts Division of Occupational Hygiene concluded that there did not seem to be an apparent dust hazard in the occupation of pipe covering or in the mixing of cement for pipe and boiler covering. Furthermore, Armstrong was told by Keasbey & Mattison, the manufacturer of heat insulation materials it was installing, that its employees had been manufacturing the products for years without any ill effects.

Armstrong now understands that the Massachusetts Department of Industrial Hygiene Report was consistent with a 1946 study of pipecoverers entitled "A Health Survey of Pipe Covering Operations and Constructing Naval Vessels," authored by Dr. Fleischer, Professor Drinker and others, where they concluded that "it would appear that asbestos pipe covering of naval vessels is a relatively safe occupation." Armstrong now understands that the Fleischer/Drinker conclusions were not criticized in the American medical literature until about the time of Dr. Selikoff's pioneer publications in the mid-1960s. Armstrong first became aware of these pioneering studies of Dr. Selikoff in the late 1960's