

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
JACKSON DIVISION**

LARRY FRYE and LYNDA D. FRYE

PLAINTIFFS

VS.

CIVIL ACTION NO.:

3:02cv462BN

AIRCO, INC., et al.

DEFENDANTS

AFFIDAVIT OF LARRY FRYE

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, Larry Frye, who states under oath as follows:

1. My name is Larry Frye. I am an adult resident citizen of Monroe County, Mississippi. I have never been convicted of a felony or a crime involving dishonesty or false statement, and I am not under any physical, mental or legal disability which would prohibit or impede the offering of this Affidavit.

2. I have personal knowledge of facts and matters related to the referenced civil action, and the statements set forth in this Affidavit are based upon my personal knowledge.

3. From 1969 to 1999, I worked at the vinyl chloride plant located on Highway 25 in Aberdeen, Mississippi, owned by Georgia Gulf Corporation that was previously owned by some of the other defendants to the referenced civil action. During the time that I worked at the plant, at various times I worked as a vinyl trainee, probationary dryer operator, probationary "A" dryer operator, "A" operator, vinyl reactor "A" operator, vinyl reactor lead operator, vinyl chief operator, maintenance helper, general maintenance "A" and "B" worker, plasticizer and in general maintenance at the plant.

4. Recently this year, as a result of vinyl chloride exposure at my work, I was diagnosed with **Raynaud's Syndrome**, which is associated with, and symptomatic of, **acroosteolysis ("AOL")**. Earlier, I was diagnosed with **vinyl chloride induced reactive airways disease**, a respiratory disorder arising from my work.

5. At various times, at least up to 1995, Robert Seymour, the Plant Manager, represented to me that the rate or occurrence of AOL for workers in the vinyl chloride industry



was no higher than the rate of AOL experienced by the general population, and that the polyvinyl chloride ("PVC") powder/dust at the plant posed little danger to workers' respiratory health, no more than that of typical nuisance dust, even if exposure was at high concentrations. He also said that there was no particular health risk associated with any specific exposure level or concentration of vinyl chloride.

6. During a meeting sometime in 1997 or 1998, Christopher Markerson, the Plant Safety Director, made the statement that the PVC powder/dust did not pose any threat or harm to the lungs of any employees who inhaled it.

7. I retained attorneys to represent me in August of 2001. After my attorneys began investigating the matter, I reviewed documents that they discovered from which it became known to me, for the very first time, that my superiors at the plant, Robert Seymour, Christopher Markerson and Jerald Uptain, intentionally concealed from me, and misrepresented to me, information regarding the dangerous hazards created in my workplace by vinyl chloride and PVC powder/dust.

8. As my superiors at work, Robert Seymour, Christopher Markerson and Jerald Uptain had the duty to provide me with a safe work environment, the duty to properly advise me as to safety, and the duty to honestly answer my questions regarding the risks to my health from working at the plant, all of which they failed to do. Although they knew with substantial certainty that I would be exposed to excessive and dangerous levels of vinyl chloride and PVC powder/dust at the plant that causes Raynaud's Syndrome, AOL and respiratory illness, they denied such risks and told me that it was safe to work around the vinyl chloride and PVC powder/dust. They intentionally concealed the true information known to them concerning the health risks associated with working around vinyl chloride and PVC powder/dust, provided information to me about those health risks which they knew to be false at the time, and required me to work in conditions that they knew were dangerous to my health, which I would not have consented to had I known of those risks.

9. Robert Seymour, Christopher Markerson and Jerald Uptain possessed knowledge and information which they deliberately concealed from me regarding the nature, extent, duration and dangers of my exposure to vinyl chloride, PVC powder/dust and other hazardous substances at the plant, and they deliberately placed me in a dangerous work environment at the plant which they knew was substantially certain to result in my exposure to concentrations of vinyl chloride and PVC powder/dust that would cause injuries to me, including the injuries for which I have already been diagnosed.

10. As the result of direct instructions and false information given to me, as well as the true information intentionally concealed from me, by Robert Seymour, Christopher Markerson and Jerald Uptain, I was exposed to excessive and dangerous concentrations of

harmful and hazardous substances such as vinyl chloride and PVC powder/dust from the dried resin that was produced in the manufacturing process of vinyl chloride products.

FURTHER, AFFIANT SAITH NOT.

Larry Frye
LARRY FRYE

STATE OF MISSISSIPPI

COUNTY OF Monroe

SWORN TO AND SUBSCRIBED before me, this the 17th day of

June, 2002, at Amory, Mississippi.

Beverly Malone
Notary Public

My Commission Expires: 10/5/2005