

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

HERMAN A. DENDINGER, et al.,	)	Case No. C 84-7854
	)	[Hon. Nicholas J. Walinski]
Plaintiffs,	)	
vs.	)	RESPONSE OF DEFENDANT CONOCO,
	)	INC. TO PLAINTIFFS' INTER-
CHRYSLER PLASTIC PRODUCTS	)	ROGATORIES DIRECTED TO ALL
CORPORATION, et al.,	)	<u>PVC MANUFACTURERS</u>
	)	
Defendants.	)	

-oOo-

Now comes defendant, Conoco, Inc., and for its response to plaintiffs' Interrogatories, states as follows:

INTERROGATORY NO. 1: Are you a manufacturer of polyvinyl chloride (PVC) resin?

ANSWER:

No.

INTERROGATORY NO. 2: When did you first begin manufacturing PVC resin?

ANSWER: 1964

INTERROGATORY NO. 3: Have you manufactured PVC resin continuously since the date indicated in your answer to interrogatory number 2?

ANSWER: Yes. Until 1984.

INTERROGATORY NO. 4: Indicate the percentage of all PVC resin manufactured by you in calendar year 1967 that was the

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result of the following processes: (a) suspension; (b) emulsion; (c) bulk; or, (d) solution.

ANSWER:

- (a) 100 percent suspension.
- (b) 5 percent emulsion (1971-1973).
- (c) None.
- (d) None.

INTERROGATORY NO. 5: Indicate the extent to which the percentages of your total PVC resin output attributed to any of the four processes identified in the prior interrogatory have changed since calendar year 1967, by indicating the specific changes made and dates of all such changes.

ANSWER: 5 percent emulsion (1971-1973)

INTERROGATORY NO. 6: Did you sell any PVC resin to Chrysler during calendar year (a) 1967; (b) 1968; (c) 1969; (d) 1970; (e) 1971; (f) 1971 [sic]; (g) 1972; (h) 1973; (i) 1974; (j) 1975; (k) 1976; (l) 1977; (m) 1978; (n) 1979; and, (o) 1980.

ANSWER:

(a) - (j) No records available for the years 1967-1975; these records were transferred to Vista Chemical, Inc. in connection with the sale of the chemical division of Conoco, Inc. to that company in 1984.

- (k) Yes
- (l) Yes
- (m) Yes
- (n) Yes
- (o) No

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INTERROGATORY NO. 7: If your answer to the preceding interrogatory is, in any part, "yes", indicate the total volume of PVC sold to Chrysler during every year that you sold PVC resin to Chrysler.

ANSWER:

1976 -	2,157,100 lbs.
1977 -	6,639,680 lbs.
1978 -	7,565,710 lbs.
1979 -	4,958,150 lbs.

INTERROGATORY NO. 8: For every calendar year between 1967 and 1980, inclusive, that you sold PVC resin to Chrysler, indicate the percentage of such resin which was manufactured by the following processes: (a) suspension; (b) emulsion; (c) bulk; and, (d) solution.

ANSWER:

From 1976-1979 PVC resin was made by suspension.

INTERROGATORY NO. 9: Did you at any time conduct any testing to determine the concentration of vinyl chloride monomer contained in your PVC resin at any time following manufacturing?

ANSWER:

Yes.

INTERROGATORY NO. 10: If your answer to the preceding interrogatory is "yes," indicate: (a) what testing was done; (b)

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when such testing was done; (c) who conducted the testing; and, (d) what the results were.

ANSWER:

Employees exposed to PVC resin at the plant were monitored and tested for vinyl chloride monomer. See response to Request for Production No. 5.

INTERROGATORY NO. 11: For every calendar year in which you sold PVC resin to Chrysler, indicate what percentage of the PVC resin sold was: (a) homopolymer; (b) copolymer; or, (c) terpolymer.

ANSWER:

All PVC resin sold was homopolymer.

INTERROGATORY NO. 12: With respect to every sale of PVC resin from you to Chrysler, indicate the date on which such resin was manufactured and the date on which such resin was shipped to Chrysler.

ANSWER:

See the documents produced in response to Request for Production No. 1. No other records of manufacture and/or shipment are available.

INTERROGATORY NO. 13: Did you, at any time, notify Chrysler of any studies indicating that vinyl chloride monomer was: (a) hazardous to human health or (b) that vinyl chloride monomer was a suspected carcinogen?

ANSWER:

No specific letters, notification or correspondence could be located from review of records. However, after the OSHA VCM Standard (1910.1017) was promulgated, PVC containers were labeled with the required VCM warning: PVC contains vinyl chloride. Vinyl chloride is a cancer-suspect agent.

INTERROGATORY NO. 14: If your answer to the prior interrogatory is "yes," state in full, the date and substance of every such notification to Chrysler.

ANSWER:

See response to Interrogatory No. 13.

INTERROGATORY NO. 15: When did you first become aware of any study indicating that vinyl chloride monomer was a suspected carcinogen; or, (b) hazardous to human health?

ANSWER:

1972

INTERROGATORY NO. 16: What steps were taken by you prior to, or during the course of, your sales of PVC resin to Chrysler to determine the concentration of residual vinyl chloride monomer in said resin.

ANSWER:

Laboratory tests were performed to determine residual vinyl chloride monomer in PVC resin.

INTERROGATORY NO. 17: What steps were taken by you prior to, or during the course of, your sales of PVC resin to

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Chrysler, to determine whether any component of that resin was an actual or potential carcinogen?

ANSWER:

Conoco does not manufacture all of the components of its PVC resin. However, preventive measures such as personal hygiene and monitoring of work sites were implemented.

INTERROGATORY NO. 18: Did Chrysler, at any time, ever ask you whether you were aware of any studies indicating that exposure or overexposure to vinyl chloride monomer posed any actual or potential human health hazard?

ANSWER:

No record.

INTERROGATORY NO. 19: Describe the steps taken by you subsequent to January, 1967 to reduce the concentration of residual vinyl chloride monomer in PVC resin manufactured by you.

ANSWER:

Prior to 1973, the concentrations of VCM in the PVC resin were reduced by recovering unreacted monomer from PVC resin with pumps and compressors. The recovered VCM vapor was then condensed and recycled so that concentrations of VCM were in the range of 500 to 5000 ppm at the time of shipping, and less than 1000 ppm when received by the customers.

In early 1974, recovery of VCM from PVC resin was done by increased temperatures and inhibitors which reduced the VCM to approximately 200 ppm.

In February 1975, because of continued optimization or steam stripping, VCM concentrations in PVC resin were approximately 10 ppm, and 2 ppm in May 1976.

In May 1976, through sparging air into slurry tanks and resin silos and by changing the suspending agent in the polymerization process, VCM concentrations in PVC resin were reduced to 1 ppm or less.

See the Response to Request for Production No. 5.

INTERROGATORY NO. 20: State the full name, home address and business address of your employee who is most knowledgeable concerning the residual concentrations of vinyl chloride monomers in the PVC resins manufactured by you between January 1, 1967 and December 31, 1980.

ANSWER:

No single person would satisfy this request. Various chemical and technical personnel at the Manufacturing and Research and Development facilities were involved actively in measurement of VCM in PVC resin between 1967 and 1980.

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AFFIDAVIT

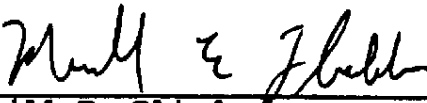
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Merrill E. Fliederbaum, being duly sworn according to law, depose and state that I am employed as an attorney by Conoco Inc., a defendant in the action styled: Herman A. Dendinger, et al vs. Chrysler Plastic Products Corporation, et al., Case No. C-84-7854, in the United States District Court for the Northern District of Ohio Western Division, and as such I am authorized to make this affidavit on behalf of defendant Conoco Inc.

In 1984 Vista Chemical Company purchased certain of the assets of the Conoco Chemicals Division. At that time, records including sales records of polyvinyl chloride, were transferred to various locations of Vista Chemical Company.

Pursuant to Plaintiff's Request For Interrogatories in this case, I instructed my Legal Assistant, Nicky Khan Smith, to contact various employees of Vista Chemical Company to obtain specific information as requested in each interrogatory.

Conoco's answers to the Plaintiff's Interrogatories are based on the information provided by Vista Chemical Company, and the facts set forth in the foregoing Answers of Defendant, Conoco Inc. to Plaintiff's Request for Interrogatories are true and correct to the best of my knowledge, information and belief.



Merrill E. Fliederbaum
Attorney, Conoco Inc.

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Sworn and subscribed before me, the undersigned
authority, this 26 day of September, 1986.

Eric E. Chiarizio
Notary Public

My Commission Expires:



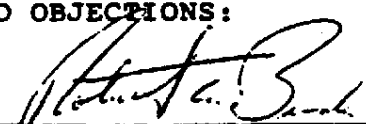
ERIC E. CHIARIZIO
Notary Public, State of Texas
My Commission Expires 3-26-89

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AS TO OBJECTIONS:

Of Counsel For Defendants
The BFGoodrich Co., The
Goodyear Tire & Rubber Co.,
Firestone Tire & Rubber Co.,
Conoco, Inc., Uniroyal, Inc.,
Union Carbide Corp., and
Diamond Shamrock Corp.:

FULLER & HENRY
1200 Edison Plaza
300 Madison Avenue
P.O. Box 2088
Toledo, Ohio 43603


Robert A. Bunda
1200 Edison Plaza
300 Madison Avenue
P.O. Box 2088
Toledo, Ohio 43603
Telephone: (419) 255-8220
Attorney for Defendants
The BFGoodrich Co., The
Goodyear Tire & Rubber Co.,
Firestone Tire & Rubber Co.,
Conoco, Inc., Uniroyal, Inc.,
Union Carbide Corp., and
Diamond Shamrock Corp.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's Interrogatories Directed to all Defendant PVC Manufacturers was mailed by United States mail, postage prepaid, to Kirk J. Delli Bovi, Esq., attorney for plaintiff, at his office located at Murray & Murray Co., L.P.A., 300 Central Avenue, Sandusky, Ohio 44870, and to defense counsel as set forth in the attached Schedule of Service this 14th day of November, 1986.


An Attorney for Defendants
The Goodyear Tire & Rubber
Company, The BFGoodrich
Company, Firestone Tire &
Rubber Company, Conoco,
Inc., Uniroyal, Inc., Union
Carbide Corporation, and
Diamond Shamrock Corp.

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SCHEDULE OF SERVICE

M. Donald Carmin, Esq.
800 United Savings Building
Toledo, Ohio 43604
Attorney for Defendants
Chrysler Plastic Products
Corporation
Norman P. Phillips
Albert W. Cramer
Robert D. Gustine
William C. Holsapple
Ron C. Abbott

Willis P. Jones, Jr., Esq.
200 Toledo Legal Building
416 N. Erie Street
Toledo, Ohio 43624
Attorney for Defendant
DiversiTech General, Inc.

S. Stuart Eilers, Esq.
Douglas N. Barr, Esq.
Timothy J. Coughlin, Esq.
1100 National City Bank Bldg.
Cleveland, Ohio 44114
Attorney for Defendant
Stauffer Chemical Company

H. William Bamman, Esq.
414 N. Erie Street
Toledo, Ohio 43624
Attorney for Defendant
A. Schulman, Inc.

Ellis F. Robinson, Esq.
610 United Savings Building
Toledo, Ohio 43604
Attorney for Defendant
Shintech, Inc.