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First Amended Master Set of Interrogatories to all Defendants

NO. 93-45837

FRANK ADAMS AND
ALICE ADAMS ET AL.

V.

AMOCO CHEMICAL CO., ET AL

§ IN THE DISTRICT COURT OF
§
§
§ HARRIS COUNTY, TEXAS
§
§ 234TH JUDICIAL DISTRICT

**DEFENDANT THE GOODYEAR TIRE & RUBBER COMPANY'S
ANSWERS TO PLAINTIFFS FIRST AMENDED MASTER
SET OF INTERROGATORIES TO ALL DEFENDANTS**

To: Plaintiffs, by and through their attorney of record, John E. Williams, and Ian P. Cloud, Williams, Bailey & Wesner, 8441 Gulf Freeway, Suite 600, Houston, TX 77017-5001

The Goodyear Tire and Rubber Company ("Goodyear"), a named defendant in the above-entitled and numbered cause, subject to the Court's ruling of February 18, 1994 on Defendants' objections to Plaintiffs' First Amended Master Set of Interrogatories to All Defendants and the Rule 11 Agreements entered into by Defendants and Plaintiffs, makes the following answers.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 1994, I mailed postage prepaid, had delivered by messenger or sent via facsimile, a true and correct copy of the foregoing to all counsel of record.

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Sandra J. Pomerantz

INTERROGATORIES TO ALL DEFENDANTS

The Following Questions are to the Facility Owner Defendants Only

1. State the name, present business address, present residence for those retired employees, and capacity or title of the individual signing these interrogatories on behalf of the answering Defendant, and all those who were primarily responsible for answering these interrogatories.

ANSWER:

James Boyazis, Secretary, The Goodyear Tire & Rubber Company. The information necessary to answer these interrogatories was gathered and assimilated by a number of employees of The Goodyear Tire & Rubber Company at the request of Goodyear attorneys who were acting under the direction of the General Counsel of The Goodyear Tire & Rubber Company in preparation for and defense of litigation. Accordingly, names of the individuals are privileged as work product.

2. Please state the Defendant's correct legal name, as well as prior names or predecessor entities by which Defendant has existed, including the years the prior names were used and the years the predecessor entities existed.

ANSWER:

The Goodyear Tire & Rubber Company.

3. If you were born out of a merger(s) or acquisition(s), please identify the company with which you have merged or by whom you have been acquired, and which owner of a facility that you have acquired or merged with.

ANSWER:

Not applicable to this defendant.

4. For each facility please give the following:
 - a) The entity that owns the facility;
 - b) The complete address of that facility;
 - c) A brief description of the type of facility including the common name of the facility;

- d) Describe each unit in each facility either by the common name of the unit or the type of process, and give the years of operation of such unit(s);
- e) The dates of ownership of that facility;
- f) The dates of operation of that facility;
- g) If Defendant no longer owns the facility, who Defendant sold the facility.

ANSWER:

Houston Chemical Plant
2000 Goodyear Drive
Houston, Texas 77017

Built and owned by the federal government, commenced operation in October 1943 when Goodyear began producing synthetic rubber. In 1955, Goodyear purchased the plant and has owned and operated it since then.

- 5. For each facility state the years from 1942 to 1985 in which you are responsible for the claims made in this action, if you are not responsible for a certain time periods, who do you contend is responsible.

ANSWER:

See answer to Interrogatory No. 4.

- 6. Please state whether you have been sued in the proper capacity as it concerns this lawsuit. If you contend that you were not sued in the proper capacity, please state the basis for such contention(s).

ANSWER:

Yes.

- 7. Please state whether you intend to call any expert witness to testify in this action. If so, please state the following as to each such expert and each expert whom you do not intend to call but whose work product forms a basis in whole or in part of the opinions of an expert who will be called as a witness.
 - a) The expert's full name, address and telephone number;
 - b) The subject matter on which the expert is expected to testify;

- c) The substance of the opinions held by the expert;
- d) The facts known to the expert which relate to or form the basis of his or her mental impressions and opinions; and
- e) The identity and location of all documents and tangible things prepared or received by or prepared for a testifying expert in anticipation of his or her testimony.

ANSWER:

Expert witnesses have not been determined at this time.

8. Please state as to each and every person known to you or your attorneys to know relevant facts regarding the occurrences that made the basis of this lawsuit, excluding all Plaintiffs and their family members:
- a) Name and last known address of each;
 - b) Occupation;
 - c) Years in that capacity;
 - d) General information or knowledge which is relevant known by each such person.

ANSWER:

Persons with knowledge of relevant facts, other than those identified in answer to Interrogatory Nos. 15, 16, & 18, have not been identified. Goodyear will supplement this answer in accordance with the Texas Rules of Civil Procedure.

9. Identify each current or former employee of yours who has testified in a case known to you to involve a claim for an "alleged" asbestos-related disease or injury.

ANSWER:

It is unknown whether former employees may have testified in such a case, except for CA Johnson, MD, former Medical Director of The Goodyear Tire & Rubber Company, who is believed to have given a deposition. The only employees known to have testified are William E. Barr, an Attorney and Linda A. Snowball, Manager of Secretary's Office of The Goodyear Tire & Rubber Company, who were deposed in such cases.

10. Identify each person (other than plaintiffs in this action) who has testified that asbestos-containing products were installed upon each facility, or each insulator who has testified regarding the presence of asbestos-containing materials upon a facility.

ANSWER:

[This Interrogatory was withdrawn by plaintiffs' counsel.]

11. Concerning any insurance agreement under which any person, entity or company carrying on an insurance business may be liable to satisfy part or all of a judgment which may be rendered in this case or may be required to indemnify or reimburse for payments made to satisfy the judgment, state the following:

- a) Name of the insurer;
- b) Name of the named insurer;
- c) Policy number; and
- d) Policy limits.

ANSWER:

Goodyear entered into contracts with various insurers effective the dates shown below.

Hartford Accident & Indemnity Company	7/1/40 - 1/1/49
Liberty Mutual Insurance Company	1/1/49 - 1/1/53
Continental Casualty Company	1/1/53 - 1/1/61
The Aetna Casualty and Surety Company	1/1/61 - 1/1/71
The Travelers Indemnity Company	1/1/71 - 1/1/77

The afore-listed insurers provided general liability coverage with limits of \$300,000 per person, \$1,000,000 per occurrence for bodily injury. Since January 1, 1977, Goodyear has been self-insured for primary limits.

12. State generally the acts or omissions on the part of any party besides plaintiff that you contend was negligent and which was a proximate cause of the occurrence made the basis of this lawsuit.

ANSWER:

Goodyear refers plaintiffs to plaintiffs' pleadings in their lawsuits filed against asbestos product manufacturers. Discovery is not yet complete in this case and

Goodyear will supplement its answer in accordance with the Texas Rules of Civil Procedure.

13. State generally the acts or omissions on the part of Plaintiff that you contend was negligent and which was a proximate cause of the occurrence made the basis of this lawsuit.

ANSWER:

Goodyear has not yet received discovery responses from the plaintiffs and is unable to answer this question at this time. Goodyear will supplement its answer in accordance with the Texas Rules of Civil Procedure.

14. Identify each plaintiff herein whom you contend was at one time your employee.

ANSWER:

None.

15. For each facility, please identify all person(s) primarily responsible for the safety department (or your equivalent) employed by this Defendant since 1942 at each facility, and give the following:

- a) Name;
- b) Date of birth;
- c) Date of Death (if applicable);
- d) Last known home address and telephone number;
- e) Years in that capacity; and
- f) Social Security Number.

ANSWER:

Houston facility:

- a) M. Lewis, Safety Director
- b) [withdrawn by plaintiffs' counsel]
- c) Living

- d) The Goodyear Tire and Rubber Company
Akron, Ohio 44316-0001
- e) 1976-Present
- f) [withdrawn]

16. For each facility, for the years 1942 to 1985, please identify all industrial hygienists (or your equivalent) employed and/or consulted on asbestos matters by this Defendant and those employees with supervisory authority over each facility in the corporate offices, and/or those consulted on asbestos matters company-wide, and give the following:

- a) Name;
- b) Date of birth;
- c) Date of Death (if applicable);
- d) Last known home address and telephone number;
- e) Years in that capacity; and
- f) Social Security Number.

Note: As worded herein "consulted" shall not mean any expert consulted for the basis of litigation.

ANSWER:

Houston Facility:

1976-1980	M. Lewis, Safety Manager
1980-1991	A. Haralson, Industrial Hygienist
1991-Present	S. Yenna, Industrial Hygienist

Corporate Industrial Hygiene:

1979-Present	J.L. Holtshouser
1972-1979	R.W. Modrell

1966-1972	H.W. McInerney
1956-1966	Robert A. Manning
unknown-1956	Arthur Kelson

17. For each facility, for the years 1942 to 1985, please identify all epidemiologist (or your equivalent) employed and/or consulted on asbestos matters by this Defendant, and those employees with supervisory authority over each facility in the corporate offices, and/or those consulted on asbestos matters company-wide and give the following:

- a) Name;
- b) Date of birth;
- c) Date of Death (if applicable);
- d) Last known home address and telephone number;
- e) Years in that capacity; and
- f) Social Security Number.

Note: As worded herein "consulted" shall not mean any expert consulted for the basis of litigation.

ANSWER:

None.

18. For each facility, for the years 1942 to 1985, please identify all physicians employed and/or consulted on asbestos matters by this Defendant, and those employees with supervisory authority over each facility in the corporate offices, and/or those consulted on asbestos matters company-wide and give the following:

- a) Name;
- b) Date of birth;
- c) Date of Death (if applicable);
- d) Last known home address and telephone number;
- e) Years in that capacity; and

- f) Social Security Number.

Note: As worded herein "consulted" shall not mean any expert consulted for the basis of litigation.

ANSWER:

C.A. Johnson, M.D., Medical Director.

19. State what your corporate industrial hygiene program required in the way of respiratory protection from asbestos dust inhalation since you first began to require respiratory protection until 1985 stating:

- a) When you first began;
- b) What devices used; and
- c) What training programs.

ANSWER:

- a. Due to the passage of time, defendant is unable to state when respirators were first used at its facilities. However, it is known that in 1972, Goodyear required the use of respiratory protective equipment when there was potential exposure to friable asbestos in the air exceeding the TLV established by OSHA requirements effective that year.
 - b. Defendant has used both air purifying and air supplied respirators that were approved for those specific applications.
 - c. Due to the passage of time, Goodyear has been unable to locate documents that would allow a full response to this inquiry. However, an asbestos insulation removal and disposal procedure was in effect within Goodyear in 1976 and asbestos handling and disposal training programs were issued January 26, 1982, April 19, 1985, and November 3, 1986, that included the use of respiratory protective equipment.
20. As to the above programs identify:
- a) Person primarily responsible for the program;
 - b) Person still living with most knowledge of program;
 - 1. At corporate level; and

2. At each facility.

ANSWER:

See Goodyear's answer to Interrogatory Nos. 15 and 16.

21. Identify each company which provided to you services or consultations in asbestos matters from 1942 to 1985 in the field of:
- a) Industrial hygiene;
 - b) Occupational medicine; and
 - c) Toxicology.

Note: As worded herein "consultations" shall not mean any expert consulted for the basis of litigation.

ANSWER:

None.

22. Please state whether or not any of your facilities which conducted research ever did:
- a) Any toxicity testing of asbestos or asbestos-containing materials;
 - b) Any studies, literature reviews, or investigations prior to 1975 identifying asbestos as a suspected or known cause of pulmonary disease, cancer, or mesothelioma; and

Please identify each such researcher and the documents reflecting such work.

ANSWER:

No.

23. Please state whether you received the results of any research as stated in (a) or (b) of the previous interrogatory (but not limited to your facilities) and please identify the documents reflecting such research.

ANSWER:

Not applicable to this defendant.

24. Identify each company who provided loss control services at each facility, including engineering inspections or safety audits, to you or for you in regards to asbestos.

ANSWER:

According to documents produced in the course of discovery in other litigation, the Travelers Insurance Companies, Hartford Connecticut, conducted inspections at Goodyear's Houston, Texas plant.

25. Identify the following documents used or provided from 1942 to 1985:
- a) Safety manuals provided to hourly workers at each facility;
 - b) Training manuals for your insulators or asbestos workers at each facility;
 - c) Safety or training manuals maintained at the corporate level and those at each facility relating to hazards associated with inhaling of asbestos dust or fibers in plants or refineries (not necessarily your plant or refinery);
 - d) Safety or training manuals maintained at the corporate level and those at each facility relative to precautions to be taken with respect to dust generating substances in plants or refineries;
 - e) Safety manuals, safety warnings, and safety instructions provided to employees of construction contractors at each facility; and
 - f) Those as described in (c) and (d) above that Defendant provided to hourly workers at each facility.

ANSWER:

Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

26. State in which year(s) your facilities were constructed:
- a) Identify the general contractor(s) for the construction of each facility, including the construction of new units after the original construction;
 - b) Identify the insulation contractor(s) for the construction on each facility, including the construction of new units after the original construction.

Note: The above interrogatory is limited to that construction performed between 1942 and 1975.

ANSWER:

The answer to this interrogatory may be ascertained through an examination of Goodyear purchase orders which will be made available to plaintiffs' counsel at defendant's premises at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

27. Did this Defendant, at any time, purchase, use or have applied any pipe covering, block, mud, or any type of insulation product containing asbestos in any facility.

ANSWER:

Yes.

28. If the answer to the previous interrogatory is in the affirmative, please state for the period from 1942 to 1985 for each facility, if you know:
- a) The manufacturer and the asbestos containing products;
 - b) The trade or brand names used from that manufacturer; and
 - c) The dates that such products were used.

ANSWER:

Unknown.

29. Identify each unit in each facility where products containing asbestos were ever present.

ANSWER:

Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

30. Describe generally each use to which asbestos containing insulation products were applied in each facility.

ANSWER:

Pipe covering, vessel covering, roofing felts, dryer insulation.

31. State:

- a) Which years your own employees installed asbestos containing products upon each facility; and
- b) When, if ever, did you change your policy to require that only contractors install such products.

ANSWER:

- a. Prior to 1977, employees installed insulation which may have contained asbestos.
- b. Not applicable.

32. Please identify all insulators at each facility employed by this Defendant since 1942, and give the following:

- a) Name;
- b) Date of birth;
- c) Date of Death (if applicable);
- d) Last known home address and telephone number;
- e) Years in that capacity; and
- f) Social Security Number.

Note: If the above question calls for more than ten insulators, then please give the insulator supervisors in lieu of each insulator.

ANSWER:

O.D. Putnam, dob 5/14/53, Houston Plant, date of hire: 3/30/77 to present, SSN 450-11-9800.

P. Charles, dob 4/19/27, Houston Plant, date of hire: 2/10/77 to present, SSN 580-09-6425.

33. Did this Defendant ever manufacture, rebrand, or sell any asbestos containing insulation product? If so, please give the following information:

- a) The name of such product;
- b) The years such product was manufactured, rebranded or sold;
- c) The asbestos content of such product;
- d) The type of asbestos such product contained;
- e) Whether any tests were run on this product prior to or during the sales of said product;
- f) Whether the product contained any friable asbestos;
- g) Whether a warning or caution label was placed on the product or its container and if so when; and
- h) Whether the product was applied in any of your facilities and if so when.

ANSWER:

No.

34. Describe in detail each ownership interest that you or any of your parent or subsidiaries has ever had in:

- a) An asbestos mine;
- b) An asbestos insulation manufacturer; or
- c) An asbestos insulation marketer.

ANSWER:

None.

35. If this Defendant stopped purchasing or contraction to have installed asbestos containing insulation products in your facilities, please state the following:

- a) The year in which this Defendant stopped purchasing or contraction to have installed insulation products containing asbestos.;

- b) The reason this Defendant stopped making such purchases;
- c) Who with the company made the decision to stop purchasing these products;
- d) What documents are available regarding the decision to stop purchasing asbestos insulation products.

ANSWER:

- a. 1976.
 - b. Compliance with OSHA and EPA standards.
 - c. R.G. Cummings, Manager Corporate Safety and E.J. Burkett, Manager Corporate Environmental Engineering.
 - d. Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).
36. If this Defendant stopped purchasing asbestos containing insulation, but were still applying asbestos containing insulation that was on hand please state the following for each facility:
- a) Date (including month) which this Defendant last purchased asbestos containing insulation;
 - b) Date (including month) which this Defendant stopped applying any asbestos containing insulation that was still on hand when it stopped purchasing such;
 - c) The amount of asbestos containing insulation that was applied from the date in subpart (a) to date in (b); and
 - d) Please identify all documents which relate to any decision about whether to use the asbestos containing insulation still on hand.

ANSWER:

Unknown.

39. Describe in detail all

- a) Warnings given to employees or employees of contractors;
- b) Safeguards used; and
- c) Dust control measures that were taken when removing the existing asbestos insulation.

in regards to the removal of asbestos from each facility from the time you stopped applying asbestos containing insulation until 1975.

ANSWER:

Due to the passage of time, it is not possible to respond in detail to this Interrogatory other than to state that this defendant complied in all respects with the OSHA regulation which became effective in 1972.

40. From 1975 to 1980 please describe in detail all

- a) Warnings given to employees or employees of contractors;
- b) Safeguards used; and
- c) Dust control measures;

In regards to the removal of asbestos that was still present in each facility.

ANSWER:

Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

41. If this defendant started asbestos abatement or a systematic removal of asbestos in order to replace it with asbestos free materials, please state the following for each facility:

- a) The year in which Defendant started such a program;
- b) The reason this Defendant started using such a program;
- c) Who with the company made the decision to implement such a program; and
- d) Identify the documents available regarding the decision to use such a program;

ANSWER:

Not applicable to this defendant.

42. As of this date, are there still any asbestos containing insulation products still located at any of your facilities. If so, please state the following:
- a) What is the policy with respect to asbestos containing insulation products that are still in those facilities; and
 - b) Please identify by name and give the address and telephone numbers of the individual(s) who established the aforementioned policy.

ANSWER:

Yes.

- a. All insulation is assumed to contain asbestos unless it is known otherwise. Existing insulation materials are maintained intact. Damaged insulation is repaired or removed immediately. Major installation removals are to be done by certified contractors.
 - b. The policy is established by The Goodyear Tire & Rubber Company's corporate Environmental Engineering Department headed by D.L. Chapman, Manager, Environmental Engineering, The Goodyear Tire & Rubber Company, Akron, OH 44316.
43. State the year that this Defendant was first advised of threshold limit values (TLV'S) and maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists, or any other organization, and state the name of the employee of the company receiving such information, the information received, the method of receipt of such information and attach copies of the instrument communication such advice.

ANSWER:

Because of the passage of time, the specific answer to this Interrogatory is unknown. However, Goodyear's corporate Industrial Hygiene Department has ACGIH TLV's going back to 1972.

44. When, if ever, did this Defendant advise its employees including insulators that there was a TLV or threshold limit valve in regards to asbestos dust.

ANSWER:

Because of the passage of time, the specific date is unknown but is assumed to have been the date such a TLV was first established and was no later than 1972.

45. Did this defendant advise its employees that the TLV in regards to asbestos dust was or was not designed to protect against cancer, and if so, when.

ANSWER:

No.

46. Is it this defendant's understanding that the TLV measures total dust or only asbestos dust, and has this defendant's understanding ever been different.

ANSWER:

It has always been Goodyear's understanding that the TLV for asbestos measures only asbestos.

47. Did you perform, direct to be performed, finance, sponsor or receive the results of any dust monitoring tests at any facility where asbestos-containing products were being applied and/or removed from 1942 to 1985? If so, state:

- a) The date and location of the first such test;
- b) When, where and at what intervals subsequent tests were performed;
- c) Who performed such tests;
- d) Where the results of such tests are maintained; and
- e) What steps were taken by you to improve the conditions reflected in such tests, and dates when such improvements were made.

ANSWER:

- a. Unknown, except that tests are known to have been conducted in the 1970s.
- b. Whenever there was a question as to whether there was friable asbestos in the air at a particular location, dust monitoring was conducted at that location.
- c. Dust monitoring was conducted locally by industrial hygienists or safety personnel at the facilities. Testing of the air samples was done by Goodyear's corporate Industrial Hygiene Department or independent laboratories.

- d. Such test results as remain are maintained by the corporate Industrial Hygiene Department.
 - e. If the samples established friable asbestos in the air, immediate steps were taken to eliminate such conditions.
48. If your answer to the above interrogatory is in the negative, state your reasons for not performing dust monitoring tests.

ANSWER:

Not applicable.

49. Identify each of your insurers who ever inspected or caused to be made an inspection of your facility for purposes of evaluating risks or hazards associated with asbestos dust from 1930 to 1985, either for your benefit or their own. If so, please provide the dates of the inspection(s), the results, and identify by name, author and date all documents concerning or in any way related to such inspection.

ANSWER:

See answer to Interrogatory No. 24. Documents from which information responsive to this Interrogatory may be obtained should be sought from Travelers.

50. Has the Defendant ever conducted or caused to be conducted any studies designed to minimize or eliminate the inhalation of asbestos dust or fibers by those exposed to them at the Defendant's facilities from 1942 to 1985. If so, give the following:
- a) Name of the person or firm conducting such studies;
 - b) The date the studies began and the date completed;
 - c) Any publication or dissemination of the results of the studies; and
 - d) The nature of any action to eliminate or minimize inhalation of asbestos dust or fibers.

ANSWER:

The Goodyear Tire & Rubber Company conducted no studies because it had no reason to believe anyone was exposed to inhalation of asbestos dust or fibers at such facilities.

51. Have you been investigated or cited by OSHA or any other governmental agency for any matter related to asbestos or asbestos exposure at any facility? If so, please

provide the dates of the investigation(s), the results, and identify by name, author and date all documents concerning or in any way related to such investigation(s).

ANSWER:

Houston was cited for an asbestos violation by OSHA on 4/15/92 on the basis of investigation conducted 1/13/92 through 2/24/92, Inspection Number 100759992 and on April 25, 1975, on the basis of an inspection conducted 3/5/75 through 3/27/75.

52. When, if at all, and how did this Defendant become aware of the reported causal connection between exposure to asbestos or asbestos products and:
- a) Asbestos Related Pleural Disease, f/k/a Pleural Asbestosis, a/k/a Pleural Plaques?
 - b) Asbestosis?
 - c) Lung Cancer?
 - d) Mesothelioma?
 - e) Other cancers?
 - 1. Colon cancer;
 - 2. Laryngeal;
 - 3. Kidney; and
 - 4. Gastrointestinal malignancies.

ANSWER:

To the extent there is reported to be a casual connection between exposure to asbestos and any of the diseases specified, Goodyear became aware of such when it was reported in the Federal Register by OSHA in 1972 and in the medical and science community thereafter.

53. If your answer to the above interrogatory, as to any or all of its sub-parts, is affirmative, identify:
- a) When and how the Defendant first learned such connection;

- b) If knowledge was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting and provide the identity of person attending and documents obtained;
- c) If knowledge was obtained from medical or scientific studies, or any other published work, identify same; and
- d) If otherwise obtained, identify manner of receipt of document or communication.

ANSWER:

See answer to Interrogatory No. 52. Furthermore, in an organization of Goodyear's size and duration it is not possible to determine when or how individual employees learned or may have learned for the first time about a connection between various diseases and asbestos.

54. What was the earliest year in which you were advised that an employee of yours or a worker upon your facilities showed radiographic evidence or indication of:
- a) Asbestosis?
 - b) Asbestos-related pleural changes?
 - c) Parenchymal changes suggestive of asbestosis?
 - d) Any other asbestos related abnormality?

ANSWER:

[Goodyear is not required to answer this Interrogatory.]

55. As to any knowledge possessed by answering Defendant at any time referred to in answers to the preceding three interrogatories did you educate your employees, sub-contractors at any or each facility about the hazards known to you and the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of asbestos containing products? If so, identify:
- a) When and in what manner insulators, employees, sub-contractors, and the general public were so informed;
 - b) Documents communicating or otherwise disseminating such information;

- c) Programs initiated or sponsored to establish or promote safety procedures, methods or usage of equipment;
- d) Published articles or reports by employees (present or prior), including those of medical directors, scientists, engineers or other professionals; and
- e) Symposia or lectures sponsored for the benefit of employees, sub-contractors and/or the general public.

ANSWER:

Yes.

- a. Beginning in 1972 employees were informed of necessary precautions in handling asbestos products on the basis of OSHA regulations. In 1976, contractors were required to conform with Goodyear procedures in handling asbestos products as well as OSHA and EPA regulations.
 - b. Documents from which information responsive to this Interrogatory may obtained will be produced or made available for inspection by plaintiff counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b)
 - c. Documents from which information responsive to this Interrogatory may obtained will be produced or made available for inspection by plaintiff counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b)
 - d. None.
 - e. None.
56. Please identify the year in which the first workers compensation claim for an asbestos related disease was filed by one of your employees at any facility, and specify the number of asbestos related claims made each year thereafter until 1985 at each facility.

ANSWER:

Houston facility:

Ernest Morris filed a claim alleging injury through exposure to asbestos 1/14/87, but the file was closed without expenditure 4/20/88.

Danny Knowlton filed a claim alleging injury through exposure to asbestos 5/14/90, but the file was closed without expenditure 11/14/90.

Grafton Rogers filed a claim alleging injury through exposure to asbestos 5/14/90, but the file was closed without expenditure 3/20/91.

57. Please identify all spouses of your employees known to you to have contracted an asbestos related disease and give the following:

- a) Name of the spouse and her husband;
- b) Diagnosis made;
- d) Years of husbands employment; and
- e) Husbands occupation;

ANSWER:

None.

58. If Defendant contends that the exercise of reasonable care did not require Defendant to:

- a) Warn;
- b) Provide respiratory protection; and
- c) Protect workers from exposure to asbestos in your facility;

State in detail why you so contend.

ANSWER:

To Goodyear's knowledge, asbestos in all forms does not pose a risk of harm to humans under all conditions; only when friable asbestos is in the air. What reasonable care would have required would have varied under the conditions and circumstances of each potential exposure situation and the point in time when the activity was being conducted. Goodyear warned and protected workers from potential exposure to friable asbestos once the risks were recognized by the medical and scientific community and regulatory agencies in accordance with the best accepted practices of the time and in compliance with applicable regulations.

59. In what year, if any, do you contend that reasonable care first required Defendant to:

- a) Warn;

- b) Provide respiratory protection; and
- c) Protect workers from exposure to asbestos in your facility.

ANSWER:

See answer to Interrogatory No. 58.

60. With respect to the potential exposure of a worker to asbestos upon your facility, state what you believe reasonable care requires of the facility owner up to 1985.

ANSWER:

See answer to Interrogatory No. 58.

61. What steps, if any, have been taken by the Defendant to protect outside contractors at each facility from the possible harmful effects of asbestos once the Defendant learned of the possible health risks until 1985.

ANSWER:

To protect employees of outside contractors, Goodyear required contractors to comply with regulations and standards in effect at the time and as of 1976 to also comply with Goodyear procedures for removal of insulation which might contain asbestos.

62. State generally each construction contractor who worked upon each facility from 1942 to 1985, specifying the year each contractor was working in each facility.

ANSWER:

See answer to Interrogatory No. 26. Additionally, the Houston facility can identify the following contractors: Service Abatement Company now Enviortest of Beaumont, AZCON, Inc, of Houston, Campbell Maintenance, Houston, Thompson Industrial Contractors, Santa Fe and National Services Cleaning, Houston, the latter company having been used regularly since 1989.

63. State generally each construction contractor who installed or removed materials containing asbestos upon each facility, stating as well each year that such contractor worked upon each facility starting in 1942.

ANSWER:

See answer to Interrogatory No. 26.

64. State, as to the following associations, those to which the defendant belonged or which the defendant has knowledge of membership in the following organization by the following persons:

- a) Your medical directors membership (or equivalent);
- b) Your industrial hygienists (or equivalent);
- c) Your plant managers of each facility;
- d) Your health and safety manager (or equivalent);

belonged to from 1942 to 1985, noting the years of membership, if known (at corporate level and at each facility):

- 1) American Petroleum Institute;
- 2) American Congress of Governmental & Industrial Hygienists;
- 3) Gulf Coast Section of American Industrial Hygiene Association;
- 4) Texas Safety Association;
- 5) Texas Public Health Association;
- 6) American Industrial Hygiene Association;
- 7) Q.A.M.A.;
- 8) National Safety Council;
- 9) American Academy of Occupational Medicine;
- 10) Industrial Medical Association;
- 11) American Academy of Occupational Hygiene ;
- 12) Institute of Industrial Hygiene(University of Michigan Medical Center);
- 13) Industrial Hygiene Foundation of America;
- 14) American Medical Association (Occupational Health section);
- 15) National Insulation Manufactures Association (NIMA);

- 16) Chemical Manufacturers Association;
- 17) Texas Chemical Council; and/or
- 18) National Petroleum Refiners Association.

ANSWER:

[Plaintiffs will rephrase and resubmit this Interrogatory.]

65. As to each of the prior five years, state:

- a) Defendant's net worth as shown on your consolidated corporate return and financial statements.

ANSWER:

Annual Reports for the years specified will be produced.

66. Please identify (by title, author, editor, edition, publisher, date of publication, section, portion, and page) every published treatise, periodical or pamphlet on a subject of history, medicine or other science or art that you may offer in the trial of this case under Rule 803(18) of the Texas Rules of Evidence.

ANSWER:

[This Interrogatory was withdrawn by plaintiffs' counsel.]

67. Please identify by name and date of subscriptions of all medical journals to which answering defendant has subscribed from 1930 - 1985:

- a) On a corporate level; and
- b) Those employees at each facility, if known.

ANSWER:

a. Journal of Occupational Medicine with subscriptions going back to 1947.

b. [Withdrawn by plaintiffs' counsel]

68. When, if ever, did you first learn of studies by Drs. Fleisher and Drinker concerning the potential hazards of use of asbestos containing products in naval shipyards? Identify by date and author all documents concerning or in any way related to any decisions that you made in reliance on this study.

ANSWER:

This defendant has no information responsive to this Interrogatory.

69. When, if ever, did you first learn of the 1964 New York Academy of Sciences conference at which that hazards of asbestos containing insulation products were discussed? Identify all documents concerning or in any way related to any decisions you make in reliance on this conference.

ANSWER:

In an organization of Goodyear's size and duration, it is not possible to determine when, or whether, any individual had, or might have had, knowledge of any specific conferences. However, Goodyear has identified no information and located no documents responsive to this Interrogatory.

70. Did a representative of yours attend the 1964 New York Academy of Sciences regarding asbestos? If so, please state who attended.

ANSWER:

No.

71. Identify by date, title, author and abstract, (author's abstract) each document on which you intend to introduce at trial which you claim establishes or indicates that asbestos fibers do not cause an unreasonable risk of harm to humans either by today's standards or in the context when they were written.

ANSWER:

Goodyear has not determined as yet which documents are responsive to this Interrogatory.

72. If you have or had a document retention or destruction program please state for each facility:
- a) Years of such program;
 - b) Description of the program; and
 - c) Identify all documents in regards to the decision to implement such a program.

Note: This question is limited to document retention programs with regard to: asbestos, medical, industrial hygiene, epidemiology and safety.

ANSWER:

Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

73. If you have an asbestos surveillance program for your employees please state the following:

a) Year in which you started such program;

b) Description of such program; and

Note: "Asbestos surveillance" being a program where you periodically monitor the health of your employees due to any asbestos exposure.

ANSWER:

a. 1972

b. Documents from which information responsive to this Interrogatory may be obtained will be produced or made available for inspection by plaintiffs' counsel at a mutually convenient time pursuant to Tex.R.Civ.P. 168(2)(b).

74. If you have safety meetings for your employees or contractors in regards to asbestos, please state the following for each facility:

a) When was the first such meeting for your employees?

b) When was the first such meeting for contractor's employees?

ANSWER:

a. 1972

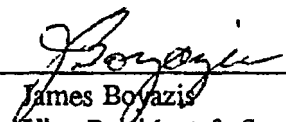
b. Not applicable. Goodyear relied on the expertise and knowledge of its contractors and expected them to comply with applicable safety standards as well as all applicable OSHA and other government standards and regulations.

VERIFICATION

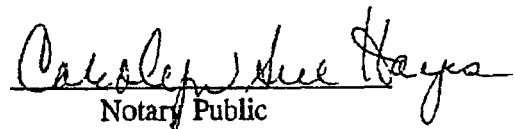
STATE OF OHIO)
)
COUNTY OF SUMMIT)

I, James Boyazis, being duly sworn on oath, state that I am Secretary of The Goodyear Tire & Rubber Company; that I am authorized to make this verification on its behalf; that the foregoing answers to interrogatories are not within my personal knowledge; that the facts stated therein have been assembled by authorized employees and counsel of The Goodyear Tire & Rubber Company, and I am informed that the facts stated therein are true and correct.

I declare that the foregoing verification is true and correct and that it was executed on this 29th day of June, 1994 at Akron Ohio.

By: 
James Boyazis
Vice President & Secretary

The foregoing answers to interrogatories were subscribed and sworn to before me this 29th day of June, 1994.


Notary Public

My Commission Expires:

CAROLYN SUE HAYES, Notary Public
Residence- Summit County
State Wide Jurisdiction, Ohio
My Commission Expires Oct. 2, 1994