FILE NAME: US Steel (USS)

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DOCUMENT DESCRIPTION: Legal – Answers to Plaintiff's Interrogatories

IN RE: ALL ASBESTOS-RELATED PERSONAL INJURY OR DEATH CASES FILED OR TO BE FILED IN DALLAS COUNTY, TEXAS	)	IN THE DISTRICT COURTS OF DALLAS COUNTY, TEXAS 160TH JUDICIAL DISTRICT

ANSWERS TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION PROPOUNDED TO DEFENDANT

TO: DEFENDANT, USX CORPORATION, by and through its counsel of record, William M. Tolin, III, Benckenstein, Oxford & Johnson, L.L.P., First Interstate Bank Building, 3535 Calder Avenue, P.O. Drawer 150, Beaumont, Texas 77704

Pursuant to Rule 168 of the Texas Rules of Civil Procedure, the Plaintiffs request that Defendant, USX CORPORATION, through its officers or agents who have access to the information requested herein, answer, under oath the following interrogatories within thirty (30) days of the date of service.

DEFINITIONS

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant separately answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries of predecessors, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products or that incorporated asbestos or asbestos-containing products into ships or other water-going vessels. This definition includes present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to



and in what years.

ANSWER:

See objections and answer to Interrogatory No. 16.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

USX objects to Interrogatory No. 18 on the basis of its prior general objections to the terms "your company", "medical advisory capacity" and "asbestos". USX further objects to the terms "knowledge" and "hazards" as being vague and ambiguous. USX further objects to this interrogatory as it is overbroad and unduly burdensome as drafted.

Without waiving these objections, USX answers as follows: Due to the large number of U.S. Steel facilities employing medical and industrial hygiene personnel, it would be impractical, if not impossible, to identify all such individuals so employed. The following persons were heads of the corporate Industrial Hygiene and Medical Departments:

Industrial Hygiene Directors

John B. Masaitis, CIH, 1991-present, Manager Industrial Hygiene, USX Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15219-4776, 412-433-6796

Frederick M. Toca, Ph.D., CIH, CSP, 1981-1991, 402 Canterbury Trail, Mars, Pennsylvania 16046, 412-776-1092

W.C. Janes (deceased) 1973-1980, Assistant Director of Industrial Hygiene

Kenneth M. Morse (deceased) 1951-1973, Director of Environmental Health

Physicians

Merle Bundy, Retired Director 1968-1982 - Industrial Medicine, 17780 Corte Sobrado, San Diego, California 92128, 619-485-5166

J.J. Schwerha, M.D., 1982-present, General Manager & Medical Director - Health Services, USX Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15219-4776, 412-348-6123

Robert O'Connor, M.D. (deceased) 1955-1968, Corporate Medical Director

Hugh Wagner, M.D. (deceased) 1925-(?)-1955

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

A. The name of each such publication.

B. The date of publication and the names of the author and publisher (if any).

C. The date received by Defendant, if known.

D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

USX reiterates and adopts its general objections to the terms "written materials", "asbestos fibers" and "person". Furthermore, USX objects as Interrogatory No. 19 is overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

A. The name and address of each such association or organization.

B. The dates during which Defendant or any of its subsidiaries or predeces. ors were members.

C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.

D. Whether any of those publications are still in your possession, and if so:

1. A description of the publications, including the date.

2. The current location of such publications.

3. The custodian of such publications.

4. The method or manner in which such publications are maintained.

ANSWER:

USX reiterates and adopts its general objections to the terms "subsidiary", "predecessor", "trade organization or association", "documents", "asbestos", "manufacturers", "markets" and "asbestos products". USX further objects to this interrogatory as it is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad as drafted. Without waiving these objections, USX responds that it was never a member of any association or trade organization of asbestos manufacturers. United States Steel Corporation was, however, a member of many trade organizations primarily related to the manufacture of steel, including:

Industrial Health Foundation (1935-1977, 1980-1981, 1984-1986)

American Industrial Hygiene Association (from 1950 to present)

American Iron and Steel Institute (from as early as 1948 through present)

American Petroleum Institute (from 1948 through 1982)

American National Standard Association (formerly known as the American Standards Institute and U.S.A. Standards Institute)

National Safety Council (from 1932 through present)

National Electrical Manufacturers Association (from 1955 through 1973)

National Lime Association (1952)

Chemical Manufacturers' Association

This list may not be all-inclusive. USX has responded to this interrogatory to the best of its ability with the information available to it.

USX states that it knows of no writings in its possession, generated by these organizations, that deal with asbestos or its potential hazards.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

USX objects to Interrogatory No. 21 on the basis of its prior general objections to the terms "plant", "products" and "manufactured".

Without waiving these objections, USX answers as follows: All USX asbestos-containing wire and cable products were manufactured at USX' Ballard Street facility in Worcester, Massachusetts. At least one type of asbestos-containing cable was offered in 1910. USX is unable to locate records which would indicate when each of its various types of wire and cable products were produced. All production of chrysotile-containing wire and cable products ceased in 1977 at the latest.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

A. The name, address, and job title of each person

or entity who prepared such materials.

B. The name, address, and job title of each person who currently has possession of such materials and their present location.

C. The date the materials were prepared.

D. The media used to disseminate the sales materials.

ANSWER:

USX reiterates and adopts its general objections to the terms "sales materials", "subsidiary", "predecessor", "marketing", "products containing asbestos" and "person".

Without waiving these objections, USX answers as follows: To the best of USX' knowledge, the American Steel & Wire Company and U.S. Steel advertised in trade publications or journals at varying times during its operations; however, due to the passage of time, no specific information or persons knowledgeable on the subject can be identified. Sales catalogs describing its line of wire and cable products, including its asbestos-containing wire and cable products, were routinely prepared.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

A. The name, address and job title of each person who prepared such materials or instructions or assisted in their preparation.

B. The name, address and job title of each person

who currently has possession of such materials or instructions and their present location.

C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.

D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

USX reiterates and adopts its general objections to the terms "written materials", "subsidiary", "predecessor", "asbestos products", "person" and "distribution".

Without waiving these objections, USX answers as follows: After a thorough search of its records, USX has located "Product Sales Tips" relative to its high temperature asbestos insulated wire and cable, incorporated into its wire and cable catalog.

(a) Don Vickers.

(b) Copies are in the possession of USX' national asbestos counsel, Baughman & Associates Co., L.P.A.

(c) June 16, 1976.

(d) June 16, 1976.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time,

and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

No, USX and its predecessor U.S. Steel Corp. have always been self-insured.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

B. How Defendant became aware of the existence of the disease.

C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.

D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.

F. Who is the custodian of such information.

G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

USX objects to this interrogatory as overbroad, burdensome and not calculated to lead to the discovery of admissible evidence. USX also reiterates and adopts its general objections to the terms "subsidiary", "predecessor", "asbestos" and "you".

Without waiving these objections, USX answers as follows: It is difficult to pinpoint an exact date as to when USX and its predecessors first became aware of the hazardous potential of asbestos. U.S. Steel was aware of discussions concerning the need to monitor all excessive dust levels in the middle to late 1930s. U.S. Steel's awareness of the potential dangers associated with different exposures and forms of asbestos and other dusts developed gradually over the years, as did the general public's awareness of such dangers. U.S. Steel was aware of the publication in the mid-1960s of Irving Selikoff's views on the potential dangers associated with asbestos exposures, and, in 1972, of OSHA promulgated regulations regarding safe exposure levels.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.

C. Who within the company or its subsidiary or

predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.

F. Who is the custodian of such information.

G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

See objections and answer to Interrogatory No. 25.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.

B. How Defendant or its subsidiary or predecessor

became aware of the disease and that it was caused by exposure to asbestos.

C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.

F. Who is the custodian of such information.

ANSWER:

See objections and answer to Interrogatory No. 25.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.

B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos

dust and fibers.

C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.

G. Who is the custodian of such information.

H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

See objections and answer to Interrogatory No. 25.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.

B. What cancers has the Defendant or its subsidiary or predecessors become aware can be caused by exposure to asbestos fibers?

C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.

D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.

E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.

G. Who is the custodian of such information.

ANSWER:

USX objects to this interrogatory as overbroad, burdensome and not calculated to lead to the discovery of admissible evidence. USX also reiterates and adopts its general objections to the terms "subsidiary", "predecessor", "asbestos" and "you".

Without waiving its objections, USX answers that it is not aware of conclusive studies showing a causal relationship between inhalation of asbestos fibers and other cancers such as laryngeal, pharyngeal, lymphatic and gastro-intestinal.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

USX reiterates and adopts its general objections to the terms "asbestos products", "manufactured", "designed", "potential health hazards" and "persons". Furthermore, USX objects to Interrogatory No. 30 as it calls for expert opinion.

Without waiving these objections, USX answers as follows: The chrysotile in USX' asbestos containing cable products was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

Fiber release studies performed on wire and cable products in recent years have shown that emissions are well below permissible government limits. See attached.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of

subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.

B. The disease alleged in each such claim.

C. A brief summary of the disposition of each such claim.

D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

USX objects to Interrogatory No. 35 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX further objects to Interrogatory No. 35 on the basis of its prior general objections to the terms "subsidiaries", "predecessors", "asbestos fibers" and "persons".

Without waiving these objections, USX answers as follows: To the best of USX' knowledge, no.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related

to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

A. The dates of each such meeting.

B. The general subject matter discussed at each meeting.

C. Who was in attendance at each meeting.

D. Where and by whom the written minutes are presently maintained.

E. By whom the minutes were taken and put into final format.

F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

USX objects to Interrogatory No. 36 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX reiterates and adopts its general objections to the terms "subsidiaries", "predecessors", "asbestos", "asbestos health hazards", "asbestos products" and "meeting".

Without waiving these objections, USX answers as follows: Asbestos exposure was discussed at Administrative Medical Meetings.

A. December 3-4, 1957
November 16-17, 1960
June 21-22, 1960
May 23-24, 1972
November 1-3, 1972
November 6-7, 1975
May 19-21, 1976
November 13-14, 1980
June 17-19, 1981

B. Asbestos exposure.

C. Medical personnel.

D. Baughman & Associates Co., L.P.A.
55 Public Square, Suite 2215
Cleveland, Ohio 44113

E. Unknown.

F. Unknown.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.

B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.

C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.

D. The date each of the named products was placed on the market.

E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.

F. A description of the physical appearance of each product and its packaging.

G. A detailed description of the intended uses of

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

A. Name of the person or firm conducting such studies;

B. The date the studies began and the date they were completed;

C. Any publication or other written dissemination of the results of the studies;

D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER:

USX objects to Interrogatory No. 47 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX reiterates and adopts its general objections to the terms "your company", "subsidiaries", "predecessors", "asbestos dust fibers" and "products".

Without waiving these objections, USX answers as follows: To the best of USX' knowledge, no studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of its asbestos-containing wire and cable products were conducted by it because the chrysotile in those products was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?

B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?

C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

USX objects to Interrogatory No. 48 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX further objects to Interrogatory No. 48 on the basis of its prior general objections to the terms "your company", "your", "predecessors", "subsidiaries", "research department", "research", "asbestos" and "asbestos containing products". USX also objects to this interrogatory as being overbroad and burdensome.

Without waiving these objections, USX answers as follows: USX maintained a corporate research department established in approximately 1930. It has been in continuous operation since that time although it has been located at various sites. American Steel and Wire also maintained a research and development department.

A. For a period of six consecutive years in the late 1970s, $400,000 a year was spent at the corporate facility on a project which disproved

allegations of asbestos in drinking water.

B. Zero.

C. The purpose and function of the corporate research department was to advance the state of the art and science of making steel. The purpose and function of the American Steel and Wire research department was product development and quality assurance.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

A. The year such Medical Department was established;

B. Whether or not such Medical Department has operated continuously since being established;

C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;

D. State the duties and responsibilities of such Medical Department.

ANSWER:

USX objects to Interrogatory No. 49 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX reiterates and adopts its general objections to the terms "your company", "predecessors", "subsidiaries", "medical department" and "your".

objections to the terms "your company", "predecessor", "subsidiaries", "industrial hygiene surveys", "asbestos" and "asbestos containing". USX further objects as Interrogatory No. 56 is overbroad, burdensome, irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, USX answers as follows: USX arranged for or underwent the following environmental health surveys relative to the manufacture of its asbestos-containing wire and cable products:

1) Industrial Hygiene Survey at Worcester Works - Wire Operations 1965 and 1973.

2) Commonwealth of Mass. Study at Worcester Works - Wire Operations 1966.

Note: All levels of asbestos dust and/or fibers measured were within permissible limits.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;

B. The name of the employee or official of the company receiving such advice;

C. How Defendant received notice of such limits or concentrations.

ANSWER:

USX objects to Interrogatory No. 57 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX reiterates and adopts its general objections to the terms "asbestos", "predecessors" and "subsidiaries". Without waiving these objections, USX answers as follows: It has always been USX' policy to comply with governmental and industry standards, regulations and recommendations, including the threshold limit values (TLV's) provided by the American Conference of Governmental Industrial Hygienists (ACGIH). While it is difficult to pinpoint an exact date, USX has had a formal safety program since about 1907, and documents reflect USX' awareness of various state regulations for dust standards in the 1930's. At the latest, USX employed its first industrial hygiene director, Kenneth M. Morse, in 1952. Mr. Morse joined USX from his position as director of industrial hygiene for the State of Illinois and is believed to have brought knowledge of ACGIH TLV's to his new position at USX.

INTERROGATORY NO. 58:

Were the threshold values or maximum allowable concentrations inquired about in Interrogatory No. 63 (sic) for total dust, and not asbestos dust alone?

ANSWER:

USX objects to Interrogatory No. 58 as violating Rule 168(5) of the Texas Rules of Civil Procedure by exceeding the permissible number of interrogatories. USX further objects to Interrogatory No. 58 as it calls for an expert opinion.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.