

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

ETTA WALLACE, personal	)	Case No. C 84-7864
representative of the Estate	)	[Hon. Nicholas J. Walinski]
of Fred A. Wallace, et al.,	)	
	)	RESPONSE OF DEFENDANT
Plaintiffs,	)	OCCIDENTAL CHEMICAL CORPORATION
	)	TO PLAINTIFFS' REQUESTS FOR
vs.	)	PRODUCTION OF DOCUMENTS
	)	DIRECTED TO ALL DEFENDANT
CHRYSLER PLASTIC PRODUCTS	)	<u>PVC MANUFACTURERS</u>
CORPORATION, et al.,	)	
	)	
Defendants.	)	

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Now comes defendant, Occidental Chemical Corporation, and for its response to plaintiffs' requests for production of documents, states as follows:

1. All records of sales, direct or indirect, of Polyvinyl Chloride (PVC) resin from you to Chrysler Plastic Products Corporation (Chrysler) between January 1, 1967 and December 31, 1980.

ANSWER:

See Attachment 1.

2. All documents indicating the extent to which PVC resin sales to Chrysler during the time period indicated above, represented sales of PVC resin manufactured in the: (a) suspension; (b) emulsion; (c) bulk; or, (d) solution process.

ANSWER:

See Response to Interrogatory No. 8 and Attachment 1 hereto.

URL 07911

3. All documents indicating the extent to which PVC resin sales to Chrysler during the time period specified in request number 1, were of (a) Homopolymer; (b) copolymer; or, (c) terpolymer.

ANSWER:

See Response to Interrogatory No. 11.

4. All written documents indicating, with respect to PVC resin sold to Chrysler during the time period specified above, the size (in microns) of the resin sold.

ANSWER:

See Attachment 2 for laboratory analysis of B-34 resin lots for the years 1973 to 1977. Although the mean particular size is indicated on these reports, there is no indication as to which of the tested lots may have been shipped to Chrysler.

5. All written documents indicating the results of any tests done on any PVC resin by you or any other entity to determine the concentration (in parts per million) of residual vinyl chloride monomer in PVC resin of the type sold to Chrysler during the time period specified in request number 1.

ANSWER:

See Attachment 2. It appears that no residual monomer analysis was performed on any of these lots. Upon information and belief, such analysis was begun toward the end of 1979, although no documents regarding same have been located.

URL 07912

6. All Material Safety Data Sheets published by you prior to January 1, 1986, relating to any PVC resin manufactured by you.

ANSWER:

Objection, any Material Safety Data Sheet published subsequent to 1980, the last date of exposure in this case, is irrelevant. No Material Safety Data Sheets pre-dating 1980 have been located. See Attachment 3.

7. All documents in your possession indicating the dates of manufacture and the dates of shipment of PVC resin sold to Chrysler.

ANSWER:

See Attachment 1.

8. All written results of any testing done on the PVC resin identified in the prior request to determine the concentration of residual vinyl chloride monomer.

ANSWER:

See response to Request for Production No. 5

9. All documents sent by you to the Occupational Safety & Health Administration, relating, in any way, to PVC.

ANSWER:

No such documents are available.

10. All documents reporting or summarizing efforts taken by you, at any time since January 1, 1967 to reduce the

URL 07913

percentage of residual vinyl chloride monomer in PVC resin
manufactured by you.

ANSWER:

See Attachment 3.

11. Each and every document sent to Chrysler,
informing Chrysler of any known or potential human health hazard
relating to exposure or over exposure to vinyl chloride monomer.

ANSWER:

See responses to Interrogatory Nos. 13 and 14.

URL 07914

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WESTERN DIVISION

ETTA WALLACE, personal) Case No. C 84-7864
representative of the Estate) [Hon. Nicholas J. Walinski]
of Fred A. Wallace, et al.,)
Plaintiffs,) AFFIDAVIT OF OCCIDENTAL
vs.) CHEMICAL CORPORATION
CHRYSLER PLASTIC PRODUCTS)
CORPORATION, et al.,)
Defendants.)

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STATE OF PENNSYLVANIA)
COUNTY OF MONTGOMERY) SS:

Robert D. Luss, being duly sworn according to law,
deposes and says that he is the Assistant Secretary/Group Counsel
of Occidental Chemical Corporation, defendant herein; that as
such he is authorized to make an affidavit on its behalf; and
that the facts set forth in the foregoing Response of Defendant
Occidental Chemical Corporation to Plaintiffs' Requests for
Production of Documents Directed to All Defendant PVC Manu-
facturers in this case are true and correct to the best of his
knowledge, information and belief.

Robert D. Luss
Robert D. Luss
(please type name)

Sworn to and subscribed before me this 27th day of
October, 1986.

Rosemary A. McCoy, Notary Public
Lower Pottsgrove Twp., Montgomery County
My Commission Expires Aug. 8, 1988
Member, Pennsylvania Association of Notaries

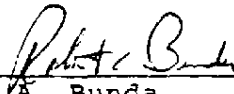
Rosemary A. McCoy
Notary Public

URL 07915

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.:

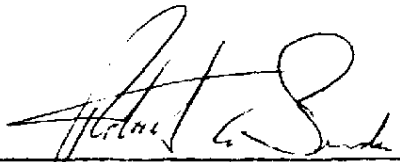
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Firestone Tire & Rubber Co.,
Conoco, Inc., Uniroyal, Inc.,
Union Carbide Corp., and
Diamond Shamrock Corp.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses
to Plaintiff's Requests for Production of Documents 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 ____ day
of November, 1986.

URL 07916


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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URL 07917