

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STANLEY MIKYSKA and  
JOYCE MIKYSKA, his wife,

Plaintiffs

vs.

Civil Action No. 870769  
HONORABLE R. JAMES HARVEY

UNION CARBIDE CORPORATION,  
a foreign corporation, et al.,

Defendants

SUPPLEMENTAL ANSWERS OF DEFENDANT  
UNION CARBIDE CORPORATION TO  
PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO DEFENDANTS

NOW COMES Defendant, UNION CARBIDE CORPORATION,  
and for its Supplemental Answers to Plaintiff's First Set of  
Interrogatories to Defendants, states as follows:

Introduction: Defendant adopts by reference the  
definitions, limitations and qualifications contained in its  
original Answers to Plaintiff's First Set of Interrogatories  
to Defendants.

Interrogatory No. 15: No. The U.S. Bureau of  
Mines and subsequently the National Institute For Occupational  
Safety and Health ("NIOSH"), have been the recognized experts  
on design, testing and approval of respiratory equipment for  
a number of years. See: 29 CFR 1910.1017(g).

Interrogatory No. 18: Yes. All PVC products  
can release vinyl chloride monomer at room temperature.

Interrogatory No. 19: See Answer to Interrogatory  
No. 18. Moreover, the attached material (see Exhibit A)  
shows that the answer would vary between the length of time  
the PVC product had been in storage, the method used to  
handle it, the temperatures to which it was exposed and the

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12/76 Epidemic Study

amount of vinyl chloride monomer originally contained in the product at the time of its manufacture.

Interrogatory No. 33: Union Carbide Corporation ceased the sale of PVC products to Ford in 1972. Warnings prior to that date were not believed necessary.

Interrogatory No. 35: See Answer to Interrogatory No. 33.

Interrogatory No. 39: Yes, although Union Carbide Corporation has no knowledge of any deaths or cases of liver disease among any individuals as a result of exposure to PVC products. Medical details are on file at the Union Carbide Corporation facility at South Charleston, West Virginia, in the Medical Department and will be produced in accordance with a mutually satisfactory protective order to protect the confidentiality thereof.

Interrogatory No. 40: Yes. An epidemiological study of vinyl chloride workers employed by Union Carbide Corporation at its South Charleston Plant, was prepared by Equitable Environmental Health, Inc., of Berkeley, California in December, 1976. That study showed malignant neoplasms of the digestive organs (including the liver) and peritoneum were less than would be expected. Five cases were observed in the study cohort and 13.7 were expected, yielding a standardized mortality ratio of 41.5 of these five cases. Only one case of liver angiosarcoma was found in the study. The study cohort was not large enough to give a clear indication of whether there was an excess of liver disease in the exposed employees.

Two general epidemiological studies are in progress, which will cover exposure to a variety of chemicals including VCM.

Interrogatory No. 41: Claims related to liver disease have been filed against Union Carbide Corporation based on alleged exposure to vinyl chloride. The claims were filed in the state of West Virginia. Eight claims have been filed, of which six have been allowed and one remains under study.

Four claims have also been filed in Texas allegedly as a result of exposure to a variety of chemicals, including VCM, but these claims were dismissed and are under appeal.

Interrogatory No. 42: Although one former employee of Union Carbide Corporation died of angiosarcoma in 1968, the relationship of angiosarcoma to Vinyl Chloride exposure was not established until 1974.

Union Carbide Corporation has learned of two cases of alleged liver disease as a result of exposure to certain PVC products. Union Carbide Corporation became aware of these claims in 1975.

Union Carbide is presently unaware of any diagnosed case of any liver disease involving users of PVC products manufactured, sold or distributed by it or involving families of workers using Union Carbide Corporation PVC product.

Interrogatory No. 45: Vinyl Chloride monitoring was conducted at Union Carbide Corporation's South Charleston, West Virginia facility in 1970.

Interrogatory No. 46: See: 29 CFR 1910.1017 (permanent standard) and 39 FR 12342(4-5-74).

Interrogatory No. 48: Union Carbide Corporation is no longer in the business of manufacturing VCM or PVC products and has no instructions available except "UCC Reactive and Hazardous Chemicals Manuals, VC, April 17, 1972" (Revised January 15, 1976). Although such material is

not readily available, it may be available from Mr. Marvin Huffman, the custodian of certain documents, Union Carbide Corporation, 270 Park Avenue, New York, New York. As of the present time, it is unknown what material may have been provided to Ford Motor Company or any other users in connection with the PVC products at issue.

Interrogatory No. 50:

1. Union Carbide Corporation Medical Department, New York, New York.

The present director of Union Carbide Corporation's Medical Department is Dr. T. A. Lincoln. Previous directors include: Dr. J. J. Welsh, Dr. Thomas Nale and Dr. A. S. Cranch.

2. Mellon Institute for Research Fellowship, subsequently changed to Bushy Run Research Center, Union Carbide Corporation, Pittsburgh, Pennsylvania.

The present director of the Bushy Run Research Center is Dr. Fred Frank. Previous directors include: Dr. Arthur Webb, Dr. Eugene Cox, Dr. Clarence P. Carpenter, and Dr. Henry M. Smyth.

Interrogatory No. 53: No.

Interrogatory No. 55: No employee or officer of Union Carbide Corporation has ever given oral testimony at trial or by deposition in any litigation or before any Congressional Committee or Administrative Agency concerning the possible health hazards related to VCM or PVC products.

UNION CARBIDE CORPORATION

By James R. Donovan  
Its: Assistant Secretary

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Answer: Defendant objects to said  
gatory because it assumes facts not in evidence.

56. through 63. Answer: Defendant presently cannot  
answer said Interrogatories but that information will be supplied  
upon its availability.

UNION CARBIDE CORPORATION

By: Flurence R. O'Donovan

Its: ASSISTANT SECRETARY

Dated: Feb. 25, 1980

STATE OF New York,  
COUNTY OF New York SS:

On this 25<sup>th</sup> day of February, 1980, before me  
personally appeared Flurence R. O'Donovan who being duly  
sworn, deposes and says that to the best of her information and  
belief, the facts set forth in Defendant Union Carbide Corp.'s  
Answers to Plaintiff's First Set of Interrogatories to Defendants  
are true.

A Anita Patti

Notary Public,  
My commission expires:

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Term Expires March 20, 1980