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11/4/82

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

**WANDA GAIL COX,
Executrix of the Estate of
Michael Wayne Cox,**

Plaintiff,

v.

**GEORGIA GULF CORPORATION,
et al.,**

Defendants.

**CIVIL ACTION NOS.
8:88-1399-3 (Wrongful Death Action)
8:88-1400-3 (Survival Action)**

AFFIDAVIT OF DR. HERBERT NORTHROP

COUNTY OF NEWCASTLE

STATE OF DELAWARE

TO WIT, the undersigned, residing at Chadd's Ford, County of Delaware, State of Pennsylvania, first duly deposed and sworn, says that:

1. I have personal knowledge of the facts set forth herein, and am competent to testify thereto.
2. I received my medical degree from Hahnemann Medical College in 1955 and completed an internship at Hahnemann Medical College in 1956.
3. I am currently the Director of AgroChemicals Medical Affairs of ICI Americas of Wilmington, Delaware.
4. From August, 1975 until January, 1988, I was employed as Medical Director of Stauffer Chemical Company in Westport, Connecticut.

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EXHIBIT A

5. In my capacity as Medical Director of Stauffer Chemical Company, I was charged with the responsibility of monitoring product safety and of overseeing and ensuring the health of the employees of Stauffer Chemical Company, including those employees at the Anderson, South Carolina fabrication plant where Michael Wayne Cox was employed. The Anderson plant was part of Stauffer's Plastics Division, which was an integral part of Stauffer Chemical Company.

6. Prior to being employed with Stauffer Chemical Company, I was Associate Medical Director of Ford Motor Company in Dearborn, Michigan from 1974 to 1975.

7. During my employment with Ford Motor Company, I became aware of the cancer hazards associated with vinyl chloride, a component of polyvinyl chloride. In my capacity as Associate Medical Director, I was involved in reviewing programs which monitored the exposure of polyvinyl chloride fabrication workers to vinyl chloride. During this period of time, I became familiar with and knowledgeable about the medical literature and research regarding the relationship between liver angiosarcoma and exposure to vinyl chloride.

8. Three liver angiosarcoma cases involving employees at a Louisville polyvinyl chloride polymerization plant, reported in a study by Creech & Johnson in 1974, (*J. Occup. Med.* 16, 150), confirmed vinyl chloride as a human carcinogen. Since this study in 1974, the health hazards of vinyl chloride have been the subject of many investigations, scientific papers and seminars. Several major epidemiological studies on workers exposed to vinyl chloride were reported, beginning in 1974. Stauffer, along with several other chemical companies, financially supported such a study which was reported by The Manufacturing Chemists Association on May 3, 1974. This report, titled "Epidemiological Study of Vinyl Chloride Workers, Final Report" is attached hereto as Exhibit 1.

9. Early in 1974, after the publication of the Creech article, the relationship between liver angiosarcoma, a type of cancer, and exposure to vinyl chloride, became a

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very well known and widely publicized issue in the plastics industry. Medical research and information regarding the hazards posed to employees who were exposed to vinyl chloride was made available to members of the industry, including Stauffer Chemical Company, through trade organizations, such as the Society of the Plastics Industry. Therefore, the dangers related to the industrial use of polyvinyl chloride have been commonly known among the members of the polyvinyl chloride industry, including Stauffer Chemical Company, since at least the mid 1970s. When vinyl chloride's capacity to cause cancer became clear early in 1974, the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health began preparing a revised workplace standard for vinyl chloride exposure. The Department of Labor published in the Federal Register an OSHA hearing notice regarding the hearings at which the stricter standards for vinyl chloride exposure were discussed. In early 1974, OSHA set an emergency temporary standard for worker exposure in vinyl chloride and polyvinyl chloride plants. Upon information and belief, Stauffer was aware of these emergency standards, which included a requirement for the monitoring of PVC fabrication plants, and immediately began to conform its industrial practice to the required standards. In October 1974, OSHA promulgated permanent standards and released the fabrication plants from exposure monitoring if initial monitorings showed vinyl chloride exposure levels to be below the standard. The vinyl chloride proceedings involved in setting the permanent standards were participated in by members of the plastics industry and the Society of the Plastics Industry, of which Stauffer Chemical Company was a member. In conformance with the OSHA regulations, Stauffer continued to monitor workplace exposure and brought the vinyl chloride exposure levels to or under the OSHA standard. I was fully aware of and familiar with the OSHA standards when I came to Stauffer in 1975.

10. For a period of time, including the years 1975-1982, Stauffer Chemical Company was a major manufacturer and supplier of polyvinyl chloride resin. As such,

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Stauffer Chemical Company was a member of the Society of the Plastics Industry. The Society of the Plastics Industry is a national technical organization composed of individuals and businesses dedicated to the creation and dissemination of technical information related to the plastics and polyvinyl chloride industry. The Society has also served as a disseminator to the polyvinyl chloride industry members of technical information on the subject of the hazards of vinyl chloride.

11. As Medical Director of Stauffer Chemical Company, I kept abreast of and periodically reviewed the current medical research and information regarding the relationship between hepatic angiosarcoma and exposure to vinyl chloride and maintained files containing this information. This information was conveyed by the Plastics Division of Stauffer Chemical Company and by me to all of our production and fabrication plants, including the Anderson plant. It was my responsibility to oversee the general health of Stauffer employees and I understood the duty of Stauffer Chemical Company to protect its employees from health hazards and to provide a safe workplace. It was not my practice to request others outside the company, such as polyvinyl chloride resin suppliers, to instruct or warn our employees as to the health hazards of vinyl chloride.

12. Upon information and belief it was known to Stauffer, and to the plastics industry in general, since the mid-1970s, that the manufacture of polyvinyl chloride and vinyl chloride and processing of polyvinyl chloride results in the potential exposure of workers to a cancer hazard. The highest exposure was found to be to workers who were involved in the manufacture of vinyl chloride and in the polymerization of vinyl chloride to polyvinyl chloride. Workers in the compounding and fabrication of polyvinyl chloride products may have been exposed to residual vinyl chloride monomers released from polyvinyl chloride on heating. The exposure levels for these workers was found to be very low in comparison to the polymerization workers.

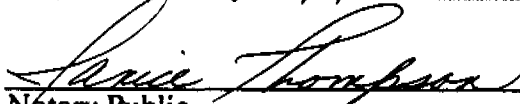
13. In addition to its polyvinyl chloride fabrication plants, Stauffer Chemical Company was also a major manufacturer and supplier of polyvinyl chloride resin. Stauffer Chemical Company provided material safety data sheets with the shipments of polyvinyl chloride resin sold to its industrial customers. These MSDS were prepared by Stauffer and contained detailed technical information regarding the physical properties and hazards of polyvinyl chloride resin. As medical director of Stauffer Chemical Company, it was my responsibility to review for accuracy the health and first-aid information contained in the MSDS prepared by Stauffer for dissemination to its polyvinyl chloride resin customers.

14. Because Stauffer was informed about the nature, characteristics and hazards of vinyl chloride, it did not solicit or expect warnings or instructions from its polyvinyl chloride suppliers.

15. The matters stated herein are true to my knowledge, except such matters as are stated to be upon information and belief, and, as to those matters I believe them to be true.


Herbert Northrop, M.D.

Subscribed and sworn to before me this
4th day of November, 1988.


Notary Public

My Commission Expires: 4/15/89

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