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E. BOMBARGER
VS UCC

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

EDITH E. BUMBARGER,	)	Case No. 019656
	)	
Plaintiff,	)	Judge Burt W. Griffin
	)	
v.	)	ANSWERS TO PLAINTIFF'S FIRST SET
	)	OF INTERROGATORIES DIRECTED TO
UNION CARBIDE CORPORATION,	)	<u>DEFENDANT UNION CARBIDE CORPORATION</u>
	)	
Defendant.	)	

Pursuant to Rule 33 of the Ohio Rules of Civil Procedure, the following interrogatories are propounded to defendant, Union Carbide Corporation, to be answered, in writing and under oath, within thirty (30) days from the time of service hereof. These interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial.

DEFINITIONS:

1. Hereinafter, "PVC" shall refer to this defendant's product known as Bakelite additive LP-33, a styrene monomer solution containing thirty-three percent (33%) of a vinyl chloride--vinyl acetate copolymer resin.
2. Plaintiff Edith E. Bumbarger shall hereinafter be referred to as "Plaintiff" unless otherwise specified.
3. Defendant Union Carbide Corporation shall hereinafter be referred to as "This Defendant" unless otherwise specified.
4. The Glastic Company located at 4321 Glenridge Road, South Euclid, Ohio 44121 shall hereinafter be referred to as "Employer" unless otherwise specified.

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5. Whenever the identity of a person or business entity is requested, please supply the following information:

- a. The full name;
- b. The current residence address;
- c. The current residence telephone number;
- d. The job capacity/job title with a description thereof presently held by the individual identified.

6. Any time the word "you" is utilized throughout this discovery, it shall refer to the individual answering this discovery on behalf of This Defendant or This Defendant, itself.

* * * * *

1. Please give the names and addresses, job title and/or official capacities of the person or persons answering these interrogatories.

ANSWER: John Macdonald
Assistant Secretary
Union Carbide Corporation
Old Ridgebury Road
Danbury, Connecticut 06817

2. Please state whether there are any witnesses which are known to you pertaining to the accident set forth in the Complaint.

ANSWER: The Complaint does not set forth an "accident" as such. Any employee of the Glastic Corporation from 1974 through 1979 is a possible witness to plaintiff's alleged exposure to chemicals at her place of employment.

3. If the answer to the preceding interrogatory is in the affirmative, please state as to each and every witness known to you, or your attorney, or to any agent or employee of this defendant:

- a. his or her name and address,
- b. the location of each witness at the time he or she witnessed any of the events set forth in the Complaint of this action.

ANSWER: See answer to Interrogatory No. 2.

4. Were statements obtained from anyone in connection with the allegations in the Complaint?

ANSWER: Not to our knowledge.

5. If the answer to the preceding interrogatory is in the affirmative, for each statement state:

- a. the name and address, capacity and place of employment of each such person who gave such statement,
- b. the date on which the statement was obtained,
- c. whether the statement was oral, written or recorded, and
- d. the name, address and occupation of each person who has present custody or control of such statement.

ANSWER: Not applicable.

6. Identify each and every person who this defendant expects to call as an expert witness at trial and state:

- a. The subject matter on which the expert is expected to testify,
- b. the substance of the facts to which the expert is expected to testify,
- c. the opinions to which the expert is expected to testify,
- d. a summary of the grounds for each opinion,
- e. whether any written or recorded report was made by him or her,
- f. state in detail the qualifications of the expert with particular reference to the issues about which said person may be called to testify at the trial of this action.

ANSWER: This information will be supplied prior to trial.

7. State whether This Defendant was covered by liability insurance at the time of the accident alleged in the Complaint.

ANSWER: Yes.

8. If the answer to the preceding interrogatory is in the affirmative, state the name(s) of the insurer(s), the amount of liability insurance covering this defendant and the policy number(s).

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ANSWER: Primary:

American Motorists Insurance Company
#0217574450
\$500,00 per person
\$1,000,000 per occurrence

Excess Umbrella:

American Motorists Insurance Company
2 SB 010 120
\$2,000,000 per person
\$2,000,000 annual aggregate

9. Are there any reinsurance treaties, omnibus and/or umbrella policies which cover This Defendant for liability insurance?

ANSWER: Not applicable.

10. If the answer to the preceding interrogatory is in the affirmative, please state the names of the insurance carriers, policy numbers and the policy limits.

ANSWER: Not applicable.

11. Please identify all persons who have relevant knowledge of any matter pertinent to this lawsuit.

- a. in your denial of liability,
- b. in your denial of a claim of injury and damages to the plaintiff.

ANSWER: Objection: This interrogatory is overly broad, ambiguous and unanswerable in its present form.

12. State the name and address of each person who This Defendant intends to call to testify at trial.

ANSWER: This information will be supplied prior to trial.

13. Describe any documents which This Defendant intends to offer into evidence at trial.

ANSWER: This information will be supplied prior to trial.

14. State whether This Defendant has ever supplied directly or indirectly any product designed, formulated or manufactured by This Defendant to the Employer for a period of time five (5) years prior to and including April 15, 1979.

ANSWER: Yes.

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15. If the answer to the preceding interrogatory is in the affirmative, please provide the following information:

- a. the product distributed,
- b. the date of distribution,
- c. whether any documents exist confirming such distribution,
- d. whether such product contained, in any amount, vinyl chloride monomer, even though such amount was less than one part per million ("ppm") unreacted monomer.

ANSWER: a. VMCA, which is a modified vinyl chloride - vinyl acetate copolymer.
b. 1974 through 1979
c. Yes - see documents produced in response to document production request no. 2.
d. Yes - see Production Blend Composite analyses produced in response to document production request no. 5.

16. Please describe the improvements and modifications made by This Defendant to its solvent and dispersion vinyl resin processes so that the level of residual vinyl chloride monomer is less than one ppm as indicated in Exhibit A, attached hereto.

ANSWER: Objection as to dispersion vinyl resin processes on grounds that such processes are irrelevant and not calculated to lead to admissible evidence. See attached sheet for answer regarding solvent vinyl resin processes.

17. In regard to the preceding interrogatory, please state the method by which resin stock in existence prior to the changed process was stored, destroyed or eliminated.

ANSWER: Resin stock in existence prior to the changed process was stored in paper bags. Within approximately three months, the foregoing dry resin was either redissolved and reprocessed or otherwise disposed of.

18. As it relates to resin stock prior to the aforementioned changed process, please state the amount in ppm's, on an average, of residual vinyl

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ANSWER TO INTERROGATORY NO. 16 REGARDING SOLVENT VINYL RESIN PROCESSES:

In order to reduce the amount of residual vinyl chloride monomer in its solvent vinyl resins, this defendant made two major equipment revisions. The two parallel stripping columns were put into series operation to double the number of stages available for stripping out monomer during varnish stripping. This change was completed on November 20, 1974. Operating procedures were revised to keep a liquid to vapor ratio (L/V) of 1.0 or less in the columns so that there was always a sufficient supply of stripping acetone to assure vinyl chloride monomer removal. This change was completed on August 4, 1978.

Another measure adopted during the middle 1970's was that of running the stripping compressor at a positive suction pressure rather than under vacuum in order to prevent drawing air in around the shaft seals and to keep oxygen out of the system.

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chloride monomer contained therein for a period of time five (5) years prior to such changed process.

ANSWER: The concentration of residual vinyl chloride monomer in VMCA resins produced before the process changed was below the detectable limits (less than 1.5 ppm) by the method of analysis available at that time. Analyses are available only for resins produced in 1974.

19. Please describe fully and completely the method by which This Defendant monitors the level of residual vinyl chloride monomer in its solvent and dispersion vinyl resins both prior and subsequent to the aforementioned changed process.

ANSWER: The method used is gas chromatograph analysis. See attached documents.

20. Please state whether This Defendant employs vacuuming to remove unreacted vinyl chloride.

ANSWER: This defendant does not employ vacuuming to remove unreacted vinyl chloride from its solvent resins.

21. If the answer to the preceding interrogatory is in the affirmative, please describe fully and completely such method of removing unreacted vinyl chloride.

ANSWER: Not applicable.

22. If vacuuming is utilized, please state whether This Defendant is aware of any times that vacuum pumps broke down, which pumps were utilized to remove unreacted vinyl chloride and, if so, describe fully and completely the methodology utilized to remove the unreacted vinyl chloride given such condition.

ANSWER: Not applicable.

23. As it relates to any solvent and dispersion vinyl resins distributed by This Defendant, directly or indirectly, to the Employer, please provide statistics concerning the resin demand by customers during the period of time such resins were shipped to the Employer.

ANSWER: Objection. This interrogatory is overly broad, ambiguous, irrelevant and not calculated to lead to admissible evidence.

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Please identify the locations at which This Defendant employed processes to assure that the level of residual vinyl chloride monomer was less than one ppm.

ANSWER: The location of the plant where the product in question was produced and which employs said processes is located at South Charleston, West Virginia.

25. With respect to the locations identified above, please state the number of employees involved, on the average, in the aforementioned processes and their job titles and/or job descriptions.

ANSWER: Objection. This interrogatory is irrelevant and not calculated to lead to admissible evidence.

26. With respect to the preceding interrogatory, please provide a list of employees' names, addresses and telephone numbers for a period of time three (3) years prior to and including April 15, 1979.

ANSWER: Objection. This interrogatory is irrelevant and not calculated to lead to admissible evidence.

27. List all governmental, industry-wide and/or internal manufacturing standards which relate to PVC and all products containing polyvinyl chloride or any amounts of vinyl chloride manufactured by This Defendant both prior to the aforementioned changed processes and subsequent to such changed processes.

ANSWER: Objection. This interrogatory is overly broad and unduly burdensome. Without waiving its objection, this defendant states that it manufactured vinyl chloride monomer and hundreds of products containing polyvinyl chloride by four processes. The complaint deals with one resin manufactured by the solvent vinyl resin process. This answer is limited to that process.

There were no governmental or industry-wide standards applicable to this defendant's solvent vinyl resins prior to April 1, 1975, nor are there any now. But see generally 29 Code of Federal Regulations, 1970.1017 Vinyl Chloride.

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This defendant produced solvent vinyl resins by internal manufacturing standards. Copies of these standards prior to April 1, 1975 are not available.

Internal correspondence dated January 27, 1975, setting forth a standard on residual vinyl chloride monomer, is attached. This defendant has changed its solvent vinyl resin standards very little over this period of time.

See attached documents and answer to Interrogatory No. 19.

28. Identify any and all Occupational Safety and Health Administration (OSHA) standards applicable to the manufacture, use and distribution of resins containing polyvinyl chloride and/or vinyl chloride monomer, in any amount.

ANSWER: See attached documents, including OSHA standards established on May 29, 1971; April 5, 1974; and October 4, 1974 and OSHA letter dated March 25, 1975.

29. Has This Defendant ever been named a defendant in any action, other than the present one, to recover damages for injuries allegedly received as the result of exposure to polyvinyl chloride or vinyl chloride monomer contained in any products manufactured by This Defendant for a period of time ten (10) years prior to and including the present time?

ANSWER: Objection. This interrogatory is overly broad. Without waiving its objection, this defendant states that it has not been a defendant in the past ten years in any action to recover damages for Raynaud's phenomenon, pseudo scleroderma, acro-osteolysis, scleroderma or progressive systemic sclerosis resulting from exposure to polyvinyl chloride or vinyl chloride monomer contained in any solution vinyl resins manufactured by this defendant.

30. If the answer to the preceding interrogatory is in the affirmative, for each action state:

- a. the identity of each plaintiff,
- b. the identity of each defendant,

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- c. the date such action was filed,
 - d. the name of the court in which such action was filed,
 - e. the docket number of such action,
 - f. the identity of each and every attorney who represented the plaintiff(s),
 - g. the identity of each and every attorney who represented the defendant(s),
 - h. the disposition or outcome of each action not currently pending,
 - i. the identity of each expert witness who testified or was expected to testify at trial on behalf of any of the parties.

ANSWER: See answer to Interrogatory No. 29.

31. Please identify all individuals who have investigated on behalf of This Defendant any matters pertinent to the instant action, providing the following information:

- a. the identity of the person requesting such investigation,
- b. the identity of any individual reviewing the results of such investigation,
- c. the subject matter of the investigation,
- d. the period of time during which such investigation was conducted,
- e. the identity of all individuals contacted for the purpose of providing information pertinent to such investigation.

ANSWER: Objection. This information is protected by the work product privilege set forth in Civil Rule 26(A). Without waiving this objection, this defendant states that R. N. Wheeler, Jr., Union Carbide Corporation, P.O. Box 8361, South Charleston, West Virginia, 25303 has participated in the investigation of this claim on behalf of this defendant.

32. For a period of time five (5) years prior to April 15, 1979, has This Defendant ever recalled any of its resin products, after their distribution, upon learning that such products contained more than 0.5 ppm of vinyl chloride monomer?

ANSWER: No.

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33. If the answer to the preceding interrogatory is in the affirmative, please state:

- a. the customer, person or business entity from whom such product was recalled,
- b. the date on which such recall occurred,
- c. the reason for such recall and residual vinyl chloride monomer in excess of 0.5 ppm,
- d. any corrective or remedial measures taken to prevent such occurrence in the future.

ANSWER: Not applicable.

34. Has This Defendant performed any studies relative to the hazards associated with exposure to vinyl chloride monomer?

ANSWER: Yes.

35. If the answer to the preceding interrogatory is in the affirmative, please state the following:

- a. the identity of each and every individual involved in such study,
- b. the date of such study,
- c. the reason for such study,
- d. the results of such study,
- e. any measures taken by This Defendant in response to such studies.

ANSWER: Objection. This interrogatory is overly broad. Without waiving its objection, this defendant will provide a list of studies performed and measures taken in response to said studies.