

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 UNIROYAL,
Plaintiffs,	)	INC. TO PLAINTIFFS' INTER-
	)	ROGATORIES DIRECTED TO ALL
vs.	)	<u>DEFENDANT PVC MANUFACTURERS</u>
	)	
CHRYSLER PLASTIC PRODUCTS	)	
CORPORATION, et al.,	)	
	)	
Defendants.	)	

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Now comes defendant, Uniroyal, Inc., and for its
response to plaintiffs' interrogatories, states as follows:

INTERROGATORY NO. 1: Are you a manufacturer of
polyvinyl chloride (PVC) resin?

ANSWER: No

INTERROGATORY NO. 2: When did you first begin
manufacturing PVC resin?

ANSWER: Approximately 1950

INTERROGATORY NO. 3: Have you manufactured PVC resin
continuously since the date indicated in your answer to
interrogatory number 2?

ANSWER:

No. Uniroyal ceased the manufacture of PVC resin in
1975.

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INTERROGATORY NO. 4: Indicate the percentage of all PVC resin manufactured by you in calendar year 1967 that was the result of the following processes: (a) suspension; (b) emulsion; (c) bulk; or, (d) solution.

ANSWER:

- a. Approximately 50%
- b. Approximately 50%
- c. 0
- d. 0

INTERROGATORY NO. 5: Indicate the extent to which the percentages of your total PVC resin output attributed to any of the four processes identified in the prior interrogatory have changed since calendar year 1967, by indicating the specific changes made and dates of all such changes.

ANSWER:

There was no substantial change in percentage from 1967 to 1975.

INTERROGATORY NO. 6: Did you sell any PVC resin to Chrysler during calendar year (a) 1967; (b) 1968; (c) 1969; (d) 1970; (e) 1971; (f) 1971 [sic]; (g) 1972; (h) 1973; (i) 1974; (j) 1975; (k) 1976; (l) 1977; (m) 1978; (n) 1979; and, (o) 1980.

ANSWER:

- (a) No
- (b) Yes
- (c) Yes
- (d) Yes
- (e) Yes
- (f) Yes

- (g) Yes
- (h) Yes
- (i) Yes
- (j) Yes
- (k) No
- (l) No
- (m) No
- (n) No
- (o) No

INTERROGATORY NO. 7: If your answer to the preceding interrogatory is, in any part, "yes", indicate the total volume of PVC sold to Chrysler during every year that you sold PVC resin to Chrysler.

ANSWER:

1968	10,000 lbs.
1969	1,423,900 lbs.
1970	4,291,750 lbs.
1971	689,950 lbs.
1972	1,202,250 lbs.
1973	879,450 lbs.
1974	705,400 lbs.
1975	964,750 lbs.

INTERROGATORY NO. 8: For every calendar year between 1967 and 1980, inclusive, that you sold PVC resin to Chrysler, indicate the percentage of such resin which was manufactured by the following processes: (a) suspension; (b) emulsion; (c) bulk; and, (d) solution.

ANSWER:

<u>Year</u>	<u>Suspension %</u>	<u>Emulsion %</u>
1968	100%	-
1969	98.7%	1.3%
1970	94.4%	5.6%
1971	-	Approx. 100%

1972	6.7%	93.3%
1973	-	Approx. 100%
1974	-	100%
1975	21%	79%

INTERROGATORY NO. 9: Did you at any time conduct any testing to determine the concentration of vinyl chloride monomer contained in your PVC resin at any time following manufacturing?

ANSWER: Yes

INTERROGATORY NO. 10: If your answer to the preceding interrogatory is "yes," indicate: (a) what testing was done; (b) when such testing was done; (c) who conducted the testing; and, (d) what the results were.

ANSWER:

- See Attachment 1 for tables and charts which show tests for residual VCM in PVC as produced and/or stored.
- During 1974 and 1975.
- On information and belief, R.A. Poxon.
- See Attachment 1.

INTERROGATORY NO. 11: For every calendar year in which you sold PVC resin to Chrysler, indicate what percentage of the PVC resin sold was: (a) homopolymer; (b) copolymer; or, (c) terpolymer.

ANSWER:

<u>Year</u>	<u>Homopolymer</u>	<u>Copolymer</u>
1968	100	-
1969	99	1

1970	97.2	2.8
1971	64.1	35.9
1972	76.2	23.8
1973	63.2	36.8
1974	83.1	16.9
1975	83.3	16.7

INTERROGATORY NO. 12: With respect to every sale of PVC resin from you to Chrysler, indicate the date on which such resin was manufactured and the date on which such resin was shipped to Chrysler.

ANSWER:

Uniroyal is unable to locate records which would provide the information requested in this interrogatory.

INTERROGATORY NO. 13: Did you, at any time, notify Chrysler of any studies indicating that vinyl chloride monomer was: (a) hazardous to human health or (b) that vinyl chloride monomer was a suspected carcinogen?

ANSWER: Yes

INTERROGATORY NO. 14: If your answer to the prior interrogatory is "yes," state in full, the date and substance of every such notification to Chrysler.

ANSWER:

Beginning about April 1, 1975, the warning, "Polyvinyl Chloride contains Vinyl Chloride. Vinyl chloride is a cancer suspect agent" was placed on every bag or other shipping container of PVC leaving Uniroyal's plant.

Upon information and belief, a letter was sent to each customer of PVC on or about April 1, 1975, containing

the same notice. Uniroyal has not been able to find a copy of such letter at the present time.

INTERROGATORY NO. 15: When did you first become aware of any study indicating that vinyl chloride monomer was a suspected carcinogen; or, (b) hazardous to human health?

ANSWER:

- a. Suspected carcinogen - January 1974.
- b. At a date unknown, but probably prior to 1950, Uniroyal became aware of possible health hazards which might arise from exposure to vinyl chloride monomers.

INTERROGATORY NO. 16: What steps were taken by you prior to, or during the course of, your sales of PVC resin to Chrysler to determine the concentration of residual vinyl chloride monomer in said resin.

ANSWER: See answer to Interrogatory No. 10.

INTERROGATORY NO. 17: What steps were taken by you prior to, or during the course of, your sales of PVC resin to Chrysler, to determine whether any component of that resin was an actual or potential carcinogen?

ANSWER:

Uniroyal participated in whatever industry studies were undertaken with respect to the subject.

INTERROGATORY NO. 18: Did Chrysler, at any time, ever ask you whether you were aware of any studies indicating that

exposure or overexposure to vinyl chloride monomer posed any actual or potential human health hazard?

ANSWER: Upon information and belief, no.

INTERROGATORY NO. 19: Describe the steps taken by you subsequent to January, 1967 to reduce the concentration of residual vinyl chloride monomer in PVC resin manufactured by you.

ANSWER:

Increased vacuum stripping was used in 1974 and 1975 which produced some reduction in residual VCM. The steps taken to comply with the OSHA directives regarding workplace exposure to VCM, had the effect of also lowering the residual VCM in PVC.

INTERROGATORY NO. 20: State the full name, home address and business address of your employee who is most knowledgeable concerning the residual concentrations of vinyl chloride monomers in the PVC resins manufactured by you between January 1, 1967 and December 31, 1980.

ANSWER:

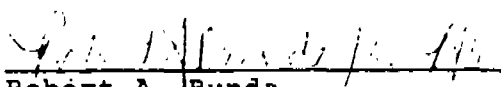
Benton R. Leach
Uniroyal Chemical Co.
Benson Road
Middlebury, CT 06749

Home Address:
27 Rimmon Hill Road
Woodbridge, CT 06525

AS TO OBJECTIONS:

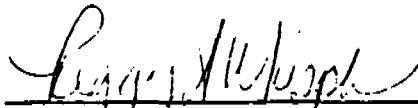
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's Interrogatories 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 21st day of October, 1986.


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Rubber Company, Conoco,
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Carbide Corporation, Diamond
Shamrock Corp., Tenneco,
Inc. and Occidental
Chemical Corp.

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