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NO. 95G0712

WELDON BOULDIN, ET AL.	§	IN THE DISTRICT COURT OF
AND EXECUTRIX OF THE	§	
ESTATE OF WELDON T. BOULDIN,	§	
DECEASED, ELIZABETH BOULDIN,	§	BRAZORIA COUNTY, TEXAS
And GLADYS MAE BOULDIN	§	
	§	
VS.	§	
	§	
ABEX CORPORATION, ET AL.	§	239TH JUDICIAL DISTRICT

**FORD MOTOR COMPANY'S RESPONSE TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

This is the response of the Defendant, Ford Motor Company ("Ford"), to Plaintiffs' First Set of Interrogatories.

PRELIMINARY STATEMENT

Responses provided herein have been prepared pursuant to a reasonable and duly diligent investigation and search for the information requested. For many years, Ford has had several hundred thousand employees. Many employees have worked at several of Ford's facilities. In conducting its business, Ford has each year created many millions of documents that have been kept in numerous locations and have been moved as organization changed and as employees changed jobs. Accordingly, Ford does not represent that these responses contained herein provide all information requested; rather, these responses reflect information obtained before this date by Ford pursuant to a reasonable and duly diligent search and investigation in those areas where this information was expected to be found. To the extent that the request purports to require more, Ford objects on grounds that include that compliance with the request probably is not feasible and would impose an undue burden or expense.

Further, if additional discovery requests are served upon Ford in this action, Ford will not review the present discovery requests to ascertain whether, subsequent to Ford's serving of this response, new information that might be responsive to the present discovery requests has been obtained except, of course, as governed by rules of civil procedure. To the extent that the present request purports to impose such an obligation, Ford objects on grounds that the request contravenes rules and, in addition, seeks to

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On what date did this defendant first become aware that exposure or inhalation of asbestos fibers by human beings could cause adverse health consequences, including, but not limited to, pulmonary function impairment, lung cancer and mesothelioma?

RESPONSE:

Without waiving the objections stated below, Ford states that scattered case reports of carcinoma in persons occupationally exposed to asbestos began appearing in the literature in the 1930s. Ford cannot state when a Ford employee first had knowledge of such information. It is known, however, that the initial knowledge of a suggestion of potential hazards associated with asbestos-lined brakes came in a telephone call from Dr. Selikoff to Dr. Roy Gealer of Ford Research and Engineering in April 1975.

To the extent this interrogatory seeks an additional or different response, Ford objects to this interrogatory on the grounds that it (a) is overly broad, (b) seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence at the trial of this matter, and (c) is unduly burdensome and oppressive.

INTERROGATORY NO. 29

If prior to 1964, defendant, its predecessors or subsidiaries ever manufactured products containing asbestos without warnings or cautions, list the years and state the names of the products.

RESPONSE:

Without waiving the objections stated below and with respect to the aftermarket brake linings sold by Ford, for example, the Ford logo, as well as a label which reads along the following lines has been placed on cartons since 1980:

CAUTION: CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM. WHEN SERVICING THIS BRAKE LINING OR ANY COMPONENT RELATED TO IT OR LOCATED NEAR IT, PREVENT ASBESTOS DUST FROM BEING AIRBORNE BY VACUUMING THIS ASSEMBLY WITH AN INDUSTRIAL TYPE VACUUM CLEANER EQUIPPED WITH A HIGH EFFICIENCY FILTER SYSTEM AND BY WASHING THE ASSEMBLY WITH AN APPROPRIATE BRAKE PARTS WASHER IF NECESSARY. NEVER REMOVE DUST OR DIRT FROM THIS ASSEMBLY BY BLOWING WITH COMPRESSED AIR.

of any recalls pertaining to asbestos-containing friction products.

To the extent this interrogatory seeks an additional or different response, Ford objects to this interrogatory on the grounds that it (a) is overly broad, (b) seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence at the trial of this matter, and (c) is unduly burdensome and oppressive particularly since this interrogatory inquires about asbestos-containing products used Ford's operations, work places, vessels and/or buildings which it owned or leased, which is unrelated to Plaintiffs' allegations.

INTERROGATORY NO. 24

Identify all masks, respirators or other respiratory protective devices which you claim were provided to or offered to your employees to protect them from asbestos containing dust and state when each of these devices were first made available.

RESPONSE:

Without waiving the objections stated below and understanding that the following discussed materials were not directed to Ford employees, Ford states that it issued an August 3, 1973, memorandum to Plant Safety Engineers directing that brake drums be cleaned using industrial type vacuum cleaners. The memo directed that air hoses should not be used to clean brake drums. Simultaneously, Maintenance Bulletin 137 was issued by the Plant Engineering Office to the same effect.

On October 24, 1975, Ford Technical Service Bulletin 99 was distributed to Ford and Lincoln-Mercury Dealers. It recommended that a vacuum cleaner be used for cleaning brakes. In January 1976, a Technical Service Bulletin 104 was issued to the dealers indicating that Ford recommended the use of an industrial vacuum cleaner in brake cleaning operations. The 1977 edition of the Rotunda Catalog and Ford's Shop Manual for Dealerships recommended that brakes not be cleaned with an air hose and that a vacuum cleaner be used for this purpose. In November 1983, Ford issued Bulletin No. 83-22 on brake and clutch servicing. Technical Service Bulletins are presently distributed to approximately 29,000 Ford and Lincoln-Mercury dealer technicians. These documents are the results of corporate activity and are

not the work of any single author. These bulletins have not been superseded. In the spirit of cooperation, Ford will produce a copy of the above described documents. Additionally, as mentioned in Ford's Preliminary Statement, Ford will make available for inspection at a mutually agreeable time in Dearborn, Michigan, a collection of documents and other materials pertaining to asbestos, which may contain information responsive to this interrogatory.

To the extent this interrogatory seeks an additional or different response, Ford objects to this interrogatory on the grounds that it (a) is overly broad, (b) seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence at the trial of this matter, (c) is unduly burdensome and oppressive particularly since this interrogatory inquires about asbestos-containing products used Ford's work places which is unrelated to Plaintiffs' allegations.

INTERROGATORY NO. 25

Did this defendant or its predecessor or subsidiary companies ever have any inspectors, anyone from your company, or employees of another entity whose job it was to go to work sites where your or others' asbestos-containing products were being used, installed, or removed to make a dust level count?

If so, please state the following:

- (a) The date this procedure started;
- (b) The purpose of such procedure;
- (c) The technique used to make dust sampling or dust counts;
- (d) The person(s) who conducted such dust sampling techniques and identify their employer;
- (e) The results of such dust sampling;
- (f) The location of and the custodian of the records of such sampling; and
- (g) If such sampling or data from such sampling was published, identify the publication where such data appeared or produce the publications.

RESPONSE:

transmission.

- (i) Ford refers to and incorporates herein its response to Interrogatory No. 1.
- (j) Ford states that brake linings and pads assist in braking through transmitting rotational force from the engine and fly-wheel to the rear wheels. Further, clutch facings provide a sacrificial wear surface, maintenance-free durability, in addition to dissipating heat.
- (k) With respect to the aftermarket brake linings sold by Ford, for example, the Ford logo, as well as a label which reads along the following lines has been placed on cartons since 1980:

CAUTION: CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM. WHEN SERVICING THIS BRAKE LINING OR ANY COMPONENT RELATED TO IT OR LOCATED NEAR IT, PREVENT ASBESTOS DUST FROM BEING AIRBORNE BY VACUUMING THIS ASSEMBLY WITH AN INDUSTRIAL TYPE VACUUM CLEANER EQUIPPED WITH A HIGH EFFICIENCY FILTER SYSTEM AND BY WASHING THE ASSEMBLY WITH AN APPROPRIATE BRAKE PARTS WASHER IF NECESSARY. NEVER REMOVE DUST OR DIRT FROM THIS ASSEMBLY BY BLOWING WITH COMPRESSED AIR.

Ford refers to the copy of the sample carton.

- (l) Ford refers to and incorporates herein its response to Interrogatory No. 1.
- (m) Ford' position, based on testing results in Report No. SR 73-64, Asbestos Emissions From Brake Dynamometer Tests, A.E. Anderson, R.L. Gealer, R.C. McCune and J.W. Sprys, Scientific Research Staff - Ford Motor Company; 1973, is that chrysotile fibers comprising brakes and clutches, are decomposed during the braking process resulting in .02% non-friable, non-pathogenic, non-respirable chrysotile fibers encased in brakes resins and 99.98% fosterite, an inert non-pathogenic substance.

To the extent this interrogatory seeks an additional or different response, Ford objects to this interrogatory on the grounds that it (a) is overly broad, (b) seeks information that is neither relevant to the subject matter of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence at the trial of this matter, (c) is unduly burdensome and oppressive, and (d) is vague and ambiguous

-printed warning or caution;

- (g) All reasons why your company, or its predecessors or subsidiaries, placed such warning or caution on your asbestos-containing products, containers, packaging, invoices or sales literature and all reasons for any change or alteration in the warning or caution;
- (h) Identify all persons with knowledge of the reasons for warnings or cautions and the reasons for any changes in the warnings or cautions; and
- (i) If your company or its predecessors or subsidiaries placed such warning on your asbestos-containing products, packaging, invoices, sales literature or containers because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute, state from whom and on what date you received such directive, command, suggestion, legal opinion, or other type of communication and state the contents of the communication.

RESPONSE:

Without waiving the objections stated below, Ford believes it first became aware that warnings related to asbestos health hazards or potential asbestos health hazards had been placed on asbestos-containing friction products in 1980. An employee from the Ford Parts and Service division observed a warning label on a carton from Bendix. Soon thereafter Ford began using the following warning on its cartons:

CAUTION: CONTAINS ASBESTOS FIBERS. AVOID CREATING DUST. BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM. WHEN SERVICING THIS BRAKE LINING OR ANY COMPONENT RELATED TO IT OR LOCATED NEAR IT, PREVENT ASBESTOS DUST FROM BEING AIRBORNE BY VACUUMING THIS ASSEMBLY WITH AN INDUSTRIAL TYPE VACUUM CLEANER EQUIPPED WITH A HIGH EFFICIENCY FILTER SYSTEM AND BY WASHING THE ASSEMBLY WITH AN APPROPRIATE BRAKE PARTS WASHER IF NECESSARY. NEVER REMOVE DUST OR DIRT FROM THIS ASSEMBLY BY BLOWING WITH COMPRESSED AIR.

To the extent this interrogatory seeks an additional or different response, Ford objects to this interrogatory on the grounds that it (a) is overly broad, (b) seeks information that is neither relevant to

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etc.) and the wording of the label or writing on the container.

(l) Identify by name and location each plant in which the products listed in your answer to this interrogatory were manufactured and/or assembled;

(m) If you claim that asbestos dust or fibers would not be released from any product named above by its use, installation, or removal, identify each product about which you make this claim, state the reasons why you make this claim, identify any document which you claim supports your position, and identify all persons with knowledge of facts to support your position.

RESPONSE:

Without waiving the objections stated below, Ford states the following:

(a)-(e) Ford refers to and incorporates herein its response to Interrogatory No. 1.

(f) Ford states that asbestos-containing friction products, on the majority of Ford's regular production vehicles, were phased out by 1984. Such products on the remainder of the regular production vehicles were phased out by 1993 as suitable substitutes were found. However, Ford believes asbestos is still used on some heavy trucks and limousines rear brake assemblies as an appropriate substitute has not yet been found for these applications.

(g) Ford purchased asbestos-containing friction products from suppliers. Ford understands the type of asbestos fibers in these to be chrysotile. However, since Ford does not manufacture these products, it does not know percentages of asbestos that they contain, but, generally, it is thought to be, for example, between 40% and 60% asbestos, by weight, in brake linings. Ford refers to a list of some historic suppliers for Plaintiffs' reference.

(h) Ford states that a brake lining is a narrow rectangle, shaped to fit around a circle. A clutch facing is a flat, round, metal plate with two rings, one on each side of friction material. The facing is between the fly-wheel of the engine and the pressure plate of the

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If, prior to releasing the products listed in Interrogatory 2 and/or Interrogatory 5 above, to the public for sale, this defendant, its predecessors, or subsidiaries conducted any tests (to include any studies or surveys), paid for any tests, or relied on tests conducted by others on asbestos containing products to determine potential health hazards involved in the use of materials contained therein, please identify the test by the name of the products tested, the name, address, and job classification of each individual who conducted such tests, the results of such tests, the date of such tests.

RESPONSE:

Without waiving the objections stated below, Ford states that in the early 1970's Arnold Anderson and Roy Gealer of Ford's Scientific Research Staff conducted tests to determine the quantity of asbestos fibers liberated from brake linings during the braking process. They concluded that over 99.98% of the asbestos fibers in brake linings decomposed during the braking process into other materials. Their results were published in a 1973 SAE paper by A. Anderson and R. Gealer entitled "Asbestos Emissions From Brake Dynamometer Tests."

In 1973, Ford's Industrial Hygiene Department conducted air sampling tests on brake linings being cleaned by brake mechanics using air hoses. They determined that asbestos levels were well below existing or proposed O.S.H.A standards. This testing was done by Mr. Anderson and Henry Lick, under the supervision of Paul Toth, the then manager of Industrial Hygiene.

In addition, Ford states that commencing in the early 1970's, Ford participated in and provided partial funding for studies done by Dr. Irving Selikoff and others at what is now the Mt. Sinai School of Medicine in New York, which work was reported on in a paper entitled "Asbestos Exposure During Brake Lining and Maintenance and Repair," published in Environmental Research, Vol. 12, pp. 110-128 (1976). The work done was a study of the environmental pollution, if any, caused by asbestos in brake linings. The study came to focus on the occupational exposure of mechanics during brake repair and maintenance. Ford's Research and Engineering Department and Industrial Hygiene Department were advised of the study. Ford will produce a copy of the above described materials.

follows in two groups--those presently employed and those who have left Ford. Credentials and dates of employment will be listed where known.

Present Industrial Hygienists

D.S. Carruthers, B.S., M.S.
Occ & Env. Health, CIH

L. Latorre, B.S., M.S.
Industrial Hygiene, CIH, CSP, 1976

H.B. Lick, B.A., M.B.A., M.S.
Occ & Env. Health, CIH, CSP, 1968

S.S. Mingela, B.S., M.S.
Occ & Env. Health, CIH, CSP, 1977

M.D. Kelly, B.S., CIH

T.F. Strow, B.S., M.S., CIH

P.A. Brogan, M.S.
Occ & Env. Health, CIH

D. Hands, M.S., CIH

Past Industrial Hygienists

R. Anderson 1960s
E. Brown 1960s
N. Brush 1972-77
W. Delhey 1950s
H. Dryer 1978-80
D. Eschelbach 1950s
A. Frazho 1960s
L. Jenson 1960s
A. Karpowich 1978-80
R. Kersten 1977
W. Kronberger
T. Mooney 1930s
M. O'Brien 1977-81
D. Padden 1930s
D. Greschaw 1956-80s
C. Plasters 1950s-80s
K. Swaney 1980s

L. Parrish 1978-81
W. Preston
S. Rabinovitz 1970s
J. Radcliff, fmr. mgr., 1948-72
L. Redmond 1950s
E. Ross 1950s
J. Sattelmeier 1960s
J. Slosar 1960s
F. Snitz 1960s
J. Sproat 1977
J. Stanko 1973
R. Stites 1940s
P. Toth, fmr. mgr., 1960-82
J. Ware 1960s
R. Wabeke, fmr. mgr, 1970s and

To the extent this interrogatory seeks an additional or different response, Ford objects to this

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

VERIFICATION

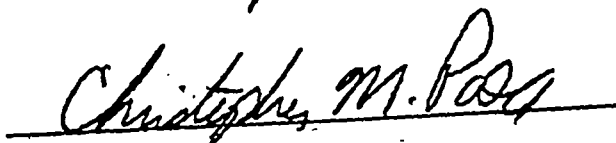
JAMES J. DOTTAVIO

_____ being duly sworn, deposes and says that the deponent is an authorized agent of Ford Motor Company, and that the deponent verifies the foregoing Ford's Response to Plaintiffs' First Set of Interrogatories for and on behalf of Ford Motor Company and is duly authorized so to do; that the matters stated therein are not within the personal knowledge of the deponent; that the facts stated therein have been assembled by authorized employees and counsel of Ford Motor Company, and the deponent is informed that the facts stated therein are true.



Subscribed and sworn to before me this

16 day of April 1997.



CHRISTOPHER M. POSA
Notary Public, Wayne County, Michigan
My Commission Expires December 21, 2000