

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN SECTION

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PAUL M. CULLINAN, et al.,	*	
	*	
Plaintiffs,	*	CIVIL ACTION
	*	NO. 85-0378-F
v.	*	
	*	
MONSANTO COMPANY, et al.,	*	
	*	
Defendants.	*	
	*	

* * * * *

ANSWERS AND OBJECTIONS OF DEFENDANT
THE B.F. GOODRICH COMPANY TO PLAINTIFFS'
SECOND SET OF INTERROGATORIES

The defendant the B.F. Goodrich Company ("BFG") submits the following answers and objections to the plaintiffs' second set of interrogatories addressed to BFG. In responding to these interrogatories, BFG has complied with the appropriate provisions of the Federal Rules of Civil Procedure, which may vary from the "explanations" and "definitions" included therein.

INTERROGATORY NO. 1:

Please state the name, address and job title of all persons answering these interrogatories. Please indicate which specific interrogatories have been answered by each person so identified.

ANSWER TO INTERROGATORY NO. 1:

The following individuals are located at 6100 Oak Tree Blvd., Cleveland, Ohio 44131:

Gary A. Jones - Manager, Litigation Support

Veronica Zalewski - Supervisor, Records & Forms Management

Gary D. Garman - Marketing Specialist, Temprite CPVC Group

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Joseph C. Kelley - Technical Service Manager, Geon
Vinyl Division

James D. Tanzilli - Manager, Product Safety Literature

Herman Waltemate - Manager, Safety & Industrial Hygiene

Fred E. Krause - Director of Manufacturing Vinyl
Compounds

The following individuals also assisted in responding to
interrogatories:

Dr. Robert K. Hinderer
Senior Toxicologist
The B.F. Goodrich Company
500 S. Main Street
Akron, Ohio 44318

Donald R. Hise
Manufacturing Manager - Petrochemicals
P. O. Box 527
Highway 1523 Industrial Loop
Calvert City, Kentucky 42029

INTERROGATORY NO. 2:

For each product containing PVC or VC manufactured,
produced, marketed, sold, and/or distributed by you at any
time, please state the following:

- a. trade name;
- b. intended use;
- c. composition, including type of PVC or VC used and
percentage of PVC or VC and other substances, if any;
- d. form of product and manner of packaging;
- e. dates during which you manufactured, produced,
marketed, sold, or distributed this product;
- f. whether or not this product is still being
manufactured, produced, marketed, sold or distributed by you,
and if not, the date of discontinuance and withdrawal from the
market and the reason for said discontinuance or withdrawal;
- g. whether or not any memoranda, specifications,
reports, or other documents relating to the preparation or
design of such products now exists. If so, please identify
each such document.

OBJECTION TO INTERROGATORY NO. 2:

This interrogatory is objected to on the grounds that it is

overly broad, unduly burdensome, and not relevant to the subject matter involved in this action insofar as it seeks information relating to products delivered and used at plants other than Monsanto Company's Indian Orchard, Massachusetts, plant. Relevant information is hereafter supplied.

ANSWER TO INTERROGATORY NO. 2:

- I. a. 85642 G.P. 260 Rigid Pipe Extrusion Compound
- b. Small quantity indicates this material was intended to be used as a test sample for rigid pipe extrusion applications.
- c. Approximately 88% PVC resin with various additives (stabilizers, impact modifiers, pigments)
- d. i. powder
- ii. unknown (probably bags)
- e. Unknown, other than the period during which material was sold to Monsanto.
- f. i. No
- ii. Unknown
- iii. Unknown
- g. See Exhibit A, attached hereto.
- II. a. 3007 grey 250 Temprite CPVC Compound
- b. Small quantity indicates this material was intended to be used as a test sample for rigid extrusion applications.
- c. Approximately 90% CPVC resin with various additives (stabilizers, impact modifiers, pigments)
- d. i. Unknown
- ii. Unknown
- e. Unknown, other than the period during which material was sold to Monsanto.
- f. i. No
- ii. Unknown
- iii. Unknown
- g. Unknown, If any information is found, this response will be supplemented.
- III. a. Vinyl chloride monomer (VCM)
- b. Assume manufacture of polyvinyl chloride (PVC)
- c. 100% VCM
- d. Liquid under pressure, tank car
- e. Last record of sale to Monsanto was 1974. VCM continues to be sold to other manufacturers.
- f. Yes
- g. None of the original product design information exists.

INTERROGATORY NO. 3:

For the years 1952-1980, please state:

a. The manner in which records of purchase and sales of PVC/VC products by you were maintained, including where records were kept, are now kept, the information contained in them, the length of time such records are maintained, and the identity of the person or persons having custody of such records;

b. the manner in which such records were destroyed or discarded, including the dates of destruction or discard, the identity of the person or persons responsible and identification of any policies or guidelines which concern or relate to the destruction or discarding of such documents.

ANSWER TO INTERROGATORY NO. 3:

a. Records of purchase and sale of the materials sold to Monsanto's Indian Orchard plant were maintained in the central B.F. Goodrich Chemical Group office (now located at 6100 Oak Tree Blvd., Cleveland, Ohio 44131). Length of retention varied with the type of record. Records were and are maintained by the business group responsible for the particular product involved. Sometimes records are maintained in the central record retention files until expiration of their retention dates. The only sales records which are not regularly discarded are sales summaries on microfilm. These records go back to 1974 and are maintained by Veronica Zalewski, Supervisor, Records and Forms Management.

b. The manner of destruction was disposal in a secured landfill. The date of destruction depended on the particular type of record and the retention schedule in effect at that time. The following retention policies would have governed date of disposal:

- i. Records Retention Schedule - Effective Date
7-21-77
- ii. Records Retention Schedule - Effective Date
6-12-77
- iii. Records Retention Schedule - Effective Date
1-15-81

The Supervisor of Records and Forms Management was responsible for destruction of records kept in the central files. Individuals in the business group responsible for the specific product were responsible for all other records.

INTERROGATORY NO. 4:

Prior to releasing the products listed by you in your answer to Interrogatory #2, were any tests conducted by you to

determine potential health hazards of these products? For each such test, please state:

- a. date of tests;
- b. names, addresses, and job titles of individuals conducting such tests;
- c. results, including specific diseases or parts of body found to be affected.

ANSWER TO INTERROGATORY NO. 4:

Specific tests were not conducted.

INTERROGATORY NO. 5:

Please identify any documents relating to the testing of products listed in the answer to Interrogatory #4.

ANSWER TO INTERROGATORY NO. 5:

Not applicable.

INTERROGATORY NO. 6:

As a result of any testing described in your answers to Interrogatory #4, were any changes made in your methods of manufacture, distribution, marketing or sale? For each such change:

- a. briefly describe the change, including identification of the plants in which such change was made;
- b. state the dates of such change;
- c. identify any documents evidencing such change.

ANSWER TO INTERROGATORY NO. 6:

Not applicable.

INTERROGATORY NO. 7:

After releasing the products listed by you in your answer to Interrogatory #2, were any tests conducted by you to determine potential health hazards of these products? For each such test, please state:

- a. date of tests;
- b. names, addresses and job titles of individuals conducting such tests;
- c. results, including specific diseases or parts of body found to be effected.

ANSWER TO INTERROGATORY NO. 7:

No.

INTERROGATORY NO. 8:

Please identify any documents relating to the testing of products after their release listed in answer to Interrogatory #7.

ANSWER TO INTERROGATORY NO. 8:

Not applicable.

INTERROGATORY NO. 9:

Please list all publications, including reports, articles, papers, books, copies of speeches, and any other written material or documents which you received or were otherwise aware of prior to 1980, relating to possible health hazards of PVC and/or VC. For each publication or document, please state:

- a. title;
- b. author;
- c. date and place of publication;
- d. summary of conclusions.

OBJECTION TO INTERROGATORY NO. 9:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted under the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 9:

The information sought, to the extent it is available, will be provided in a supplemental answer to this interrogatory.

INTERROGATORY NO. 10:

For all products listed in the answer to Interrogatory #2, please identify all sales and marketing materials, directions for use, and warnings of health hazards accompanying such products. For each such material, please state:

- a. its name or description;
- b. the name, address, and present job title, if known, of the person or persons who prepared it;
- c. the media used to disseminate it;
- d. the dates when the material was used to accompany the product.

ANSWER TO INTERROGATORY NO. 10:

- a. See attached Exhibits B1-B5;
- b. Unknown;
- c. Mailed to customers and potential customers;
- d. Earliest date was date of publication.

INTERROGATORY NO. 11:

For each claim made against you by an employee of yours, an employee of another entity, or a consumer of any product listed in your answer to Interrogatory #2, prior to 1980, for damages, workman's compensation, or employee benefits, due to injuries or illnesses allegedly related to PVC and/or VC, please state:

- a. name of claimant;
- b. the type of claim; (e.g., workman's compensation, product liability);
- c. the nature of the injury or illness alleged;
- d. the relation of the claimant to you (employee, employee of other entity, consumer);
- e. the date and place the claim was made;
- f. resolution of claim (including amount of compensation paid by you, or your insurance carrier, if any, and means of determining such amount (arbitration, decision by an administration body, settlement, judgment, etc.));
- g. name of insurance carrier, if any;
- h. name and address of claimant's attorney;
- i. identification of any documents evidencing resolution and payment of the claim.

OBJECTION TO INTERROGATORY NO. 11:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome and seeks information which is not relevant to the subject matter involved in the pending action.

INTERROGATORY NO. 12:

With the knowledge gained from the tests, reports and claims detailed in your answers to Interrogatories #4, 7 and 11, what have you done to eliminate or reduce dangers of illness and injury from PVC and/or VC? Please include changes in composition or packaging, warnings and recommendations to users, and dates of such changes.

ANSWER TO INTERROGATORY NO. 12:

Not applicable; however, to the extent they are responsive, see Exhibits C and D, attached hereto.

INTERROGATORY NO. 13:

Please identify those agents who are employees of yours who were responsible for making the changes described in your answer to Interrogatory #12.

ANSWER TO INTERROGATORY NO. 13:

Not applicable.

INTERROGATORY NO. 14:

Has any agent or employee of yours, prior to 1980, gone into the field and observed, counted, or otherwise ascertained, or attempted to ascertain PVC and/or VC dust and/or vapor and/or fiber levels where PVC and/or VC products manufactured, produced, sold, marketed, or distributed by you were used? If so, please state when, where and by whom such observations were made. Describe the methods used and the results obtained.

ANSWER TO INTERROGATORY NO. 14:

Yes, but to best of BFG's knowledge, no such actions were taken at Monsanto Company's Indian Orchard, Massachusetts, plant.

INTERROGATORY NO. 15:

For each insurance carrier for worker's compensation, occupational disease compensation, employee accident, sickness, health, and/or disability compensation, and other liability insurance, for the period 1953 to 1980, please state:

- a. the name of such carrier;
- b. the time period of the coverage provided;
- c. the type of coverage provided;
- d. the amounts of coverage;
- e. identify all documents evidencing such coverage.

OBJECTION TO INTERROGATORY NO. 15:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome and seeks information which is not relevant to the subject matter involved in the pending action.

INTERROGATORY NO. 16:

Have you been investigated, or participated in an investigation, by any governmental or independent agency with regard to dangers of death or injury or other health hazards

relating to PVC and/or VC products manufactured, produced, marketed, sold or distributed by you. If so, please state:

- a. name of such investigating agency;
- b. its address;
- c. when such investigation took place;
- d. whether or not there was a stenographic record;
- e. identify the nature of such record and the person having possession of it;
- f. whether or not there was a final report;
- g. identify such report;
- h. briefly state the conclusions of each such investigation.

OBJECTION TO INTERROGATORY NO. 16:

This interrogatory is objected to on the grounds that the term "investigated" is ambiguous, confusing and highly prejudicial, and seeks information which is not relevant to the subject matter involved in the pending action.

ANSWER TO INTERROGATORY NO 16:

BFG had various involvements with regulatory agencies regarding vinyl chloride and polyvinyl chloride. To the extent the information sought can be found in documents of BFG, those documents will be made available to plaintiff for review and inspection at BFG's Corporate Headquarters at a time mutually convenient to the parties.

INTERROGATORY NO. 17:

Have you ever recalled, or has any governmental agency ever seized or ordered a recall, of any of your PVC and/or VC products or any part of a shipment of such products? If so, please state:

- a. the product recalled or seized;
- b. the date of such recall or seizure;
- c. the reason for such recall or seizure;
- d. in the case of a governmental agency, the name of the agency ordering the seizure or recall;
- e. identification of any written memoranda or other document relating to the seizure or recall.

ANSWER TO INTERROGATORY NO. 17:

No.

INTERROGATORY NO. 18:

Have you at any time advised any governmental agency or

been advised by any governmental agency of the dangers of using, handling or being exposed to PVC and VC products, vapors, dust, or fibers? If so, please state:

- a. the manner of such advice;
- b. when given;
- c. to whom, giving name, address, telephone number, and job title;
- d. identification of any documents relating to such advice.

ANSWER TO INTERROGATORY NO. 18:

Yes. See Exhibit C, a copy of which is attached hereto.

INTERROGATORY NO. 19:

Have you ever consulted experts in the defense of any claim made against you for injury or death from exposure to PVC or VC products? If so, please state:

- a. the name, business and home address, and business and home telephone numbers of such experts;
- b. their field of expertise;
- c. whether you were furnished with a written report;
- d. please identify any such report.

OBJECTION TO INTERROGATORY NO. 19:

This interrogatory is objected to on the grounds that it is overly broad, seeks information that is subject to the attorney-client and/or work product privileges, and seeks information that is beyond the scope of discovery permitted under the Federal Rules of Civil Procedure.

INTERROGATORY NO. 20:

Has any employee or agent of your corporation ever testified before any governmental agency or body regarding injury or death from exposure to PVC or VC products? If so, please state:

- a. the name, business and home address, and business and home telephone numbers of the persons giving such testimony;
- b. the governmental agency or body before which such testimony was given and the dates of such testimony;
- c. whether you prepared a written statement of your position and, if so, who prepared such statement and the statement's present location;
- d. whether a transcript was made of the testimony given;

- e. whether a final report was made by the governmental agency;
- f. please identify any such transcript or report.

ANSWER TO INTERROGATORY NO. 20:

Documents describing testimony and other matters related to health effects of PVC and VC are retained in the Health and Environmental Services Department at BFG's Corporate Headquarters in Akron, Ohio and will be made available to plaintiff for review and inspection at a time mutually agreeable to the parties.

INTERROGATORY NO. 21:

For each officer or agent named in answer to Interrogatory #20 who has information, knowledge or experience regarding the existence or possibility of danger to health by reason of exposure to PVC and/or VC, please state:

- a. the name;
- b. business and home address and telephone numbers;
- c. the present whereabouts of such person;
- d. whether such person ever expressed to you an opinion or belief that warning or notification should be given to users of PVC or VC products;
- e. if such person prepared any written memoranda, records, or other documents relating to his opinion or belief, please identify such written material.

ANSWER TO INTERROGATORY NO. 21:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 22:

For any trade organization or association of manufacturers, or sellers of PVC or VC products, of which you were a member at any time, please state:

- a. the name;
- b. its address and telephone number;
- c. the dates of your membership;
- d. the officers or agents who represented your corporation in such organization;
- e. any publications produced by such organization relating to the possible dangers of PVC or VC products.

ANSWER TO INTERROGATORY NO. 22:

See Answers to Interrogatories No. 20 and No. 9. The two

major organizations involved were the Manufacturing Chemists Association and the Society of Plastics Industries.

INTERROGATORY NO. 23:

Did any officer or agent of yours correspond in writing with any officer or agent of any trade organization or association named in your answer to Interrogatory #22, or any other corporation engaged in the manufacturing, selling, marketing, or distribution of PVC or VC products, concerning possible danger of exposure to PVC or VC? Please identify any such correspondence or documents relating to such correspondence including the author of such document, its recipient, and its date.

ANSWER TO INTERROGATORY NO. 23:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 24:

Please state all facts and opinions upon which you will rely to support your claim that decedent's injuries were caused by one or more of his fellow servants.

OBJECTION TO INTERROGATORY NO. 24:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 24:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 25:

Please state all facts and opinions upon which you will rely to support your claim that the negligence of decedent was greater than the negligence, if any, of the various defendants.

OBJECTION TO INTERROGATORY NO. 25:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 25:

BFG has yet to decide upon which facts it will ultimately

rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 26:

Please state all facts and opinions upon which you will rely to support your claim of assumption of risk by the decedent.

OBJECTION TO INTERROGATORY NO. 26:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 26:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 27:

Please state all facts and opinions upon which you will rely to support your claim that distributors and users of your PVC and VC products were adequately advised, warned, trained and instructed by you.

OBJECTION TO INTERROGATORY NO. 27:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 27:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 28:

Please state all facts and opinions upon which you will rely to support your claim that the decedent and/or others abused, misused and abnormally used any PVC and VC products with which the decedent may have been in contact.

OBJECTION TO INTERROGATORY NO. 28:

This interrogatory is objected to on the grounds that it

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seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 28:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 29:

Please state all facts and opinions upon which you will rely to support your claim that decedent's injuries were caused by the conduct of others over whom you had no control or opportunity to control.

OBJECTION TO INTERROGATORY NO. 29:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 29:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 30:

Please state all facts and opinions upon which you will rely to support your claims that injuries suffered by the decedent were the result of other intervening and supervening causes for which you were not responsible.

OBJECTION TO INTERROGATORY NO. 30:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 30:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 31:

Please state all facts and opinions upon which you will rely to support your claim that PVC and VC products supplied by

you underwent substantial changes after they left your possession.

OBJECTION TO INTERROGATORY NO. 31:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 31:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 32:

Please state all facts and opinions upon which you will rely to support your claim that the risks of the PVC and VC products supplied by you were at all relevant times unknown and scientifically unknowable.

OBJECTION TO INTERROGATORY NO. 32:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 32:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY NO. 33:

Please state all facts and opinions upon which you will rely to support your claim that the reaction of the decedent to PVC and VC fumes was idiosyncratic and entirely unforeseeable.

OBJECTION TO INTERROGATORY NO. 33:

This interrogatory is objected to on the grounds that it seeks information that is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

ANSWER TO INTERROGATORY NO. 33:

BFG has yet to decide upon which facts it will ultimately rely. At the conclusion of discovery, and to the extent such a determination can be made, BFG will supplement its response.

INTERROGATORY No. 34:

Please state when you first became aware of the following reports and studies:

- a. 1930 study published in Public Health Reports which states that VC vapors cause lung damage in animal experiments;
- b. a 1960 study published in The American Industrial Hygiene Association Journal which reported that VC vapors cause lung damage in animal experiments;
- c. a 1961 study performed by defendant Dow which disclosed liver damage from VC exposure;
- d. a 1961 study published in The American Industrial Hygiene Association Journal which reported liver and kidney damage from VC exposure in animal experiments;
- e. a 1970 study by P. L. Viola which reported an association between VC exposure and lung cancer;
- f. a 1974 article published in The Journal of The American Medical Association which linked VC and PVC to cancer of the liver and to other liver diseases, including portal fibrosis;
- g. a 1975 article in the Annals of the New York Academy of Sciences reporting respiratory impairment among workers at a PVC plant;
- h. a 1975 study in the Annals of the New York Academy of Sciences associating VC and PVC inhalation with cancer of the lung, liver, brain and skin;
- i. a 1976 study in the Annals of the New York Academy of Sciences reporting excess deaths from cancers of the lung, liver, lymphatic and central nervous systems among PC and PVC workers;
- j. a 1978 NIOSH study reporting an excess of digestive and genito-urinary cancers among workers at Monsanto's Springfield plant.

OBJECTION TO INTERROGATORY NO. 34:

This interrogatory is objected to on the grounds that it is ambiguous, confusing, misleading and characterizes documents which speak for themselves. Without specific citations to the referenced reports and studies, BFG cannot further respond to this interrogatory.

INTERROGATORY NO. 35:

As regards to the deaths of three or more of your employees from liver cancer allegedly caused by VC exposure as reported in the Journal of Occupational Medicine in 1974, please state:

- a. whether you believe that the deaths of any or all of these workers was caused by PVC or VC exposure;

- b. the facts and opinions which support your answer to subpart (a), above;
- c. what actions, including but not limited to safety precautions, were taken as a result of your awareness of these deaths;
- d. to what governmental agencies and in what manner did you report these deaths;
- e. the identity of any expert hired or used by you to analyze whether these deaths were associated with PVC or VC exposure.

OBJECTION TO INTERROGATORY NO. 35:

This interrogatory is objected to on the grounds that it is ambiguous, confusing, misleading, characterizes a document which speaks for itself, does not include the specific citation to properly identify the article referred to, and seeks information beyond the scope of discovery permitted by the Federal Rules of Civil Procedure

ANSWER TO INTERROGATORY NO. 35:

See Exhibits C and D, attached hereto.

INTERROGATORY NO. 36:

Please identify all documents concerning or relating to the alleged association or lack of association between the deaths of three or more of your workers as reported in the 1974 Journal of Occupational Medicine and their exposure to PVC or VC.

OBJECTION TO INTERROGATORY NO. 36:

This interrogatory is objected to on the grounds that it is vague, ambiguous and confusing in that it fails to provide the specific citation to the article or report referred to.

ANSWER TO INTERROGATORY NO. 36:

See support data referenced in the article.

INTERROGATORY NO. 37:

For all correspondence or other documents sent or received by you, to or from the Chemical Manufacturers Association (formerly known as The Manufacturing Chemists Association), or any member thereof, concerning or relating to the 1970 study by P. L. Viola concerning a possible link between VC exposure and cancer in laboratory animals, please identify each such document.

ANSWER TO INTERROGATORY NO. 37:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 38:

For all internal memoranda, correspondence or other documents concerning or relating to the 1970 study by P. L. Viola concerning a possible link between VC exposure and cancer in laboratory animals, please identify each such document.

ANSWER TO INTERROGATORY NO. 38:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 39:

For all correspondence or other documents sent or received by you, to or from the Chemical Manufacturers Association (formerly known as The Manufacturing Chemists Association), or any member thereof, concerning or relating to the 1973 study by Chemical Manufacturer's Association, submitted to the Chemical Manufacturer's Association which associated VC exposure to cancers of the respiratory systems, liver and lymphatic systems, please identify each such document.

OBJECTION TO INTERROGATORY NO. 39:

This interrogatory is objected to on the grounds that it is confusing, unintelligible and mischaracterizes the content of documents which speak for themselves.

ANSWER TO INTERROGATORY NO. 39:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 40:

For all internal memoranda, correspondence or other documents concerning or relating to the 1973 study by Chemical Manufacturer's Association, submitted to the Chemical Manufacturer's Association which associated VC exposure to cancers of the respiratory systems, liver and lymphatic systems, please identify each such document.

OBJECTION TO INTERROGATORY NO. 40:

This interrogatory is objected to on the grounds that it is confusing, unintelligible and mischaracterizes the content of documents which speak for themselves.

ANSWER TO INTERROGATORY NO. 40:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 41:

Please identify any and all studies sponsored or performed by the Chemical Manufacturer's Association concerning or relating to possible health hazards, or lack thereof, from exposure to PVC or VC, of which you became aware prior to 1980.

ANSWER TO INTERROGATORY NO. 41:

See Answer to Interrogatory No. 20.

INTERROGATORY NO. 42:

Please identify all warnings or other document (sic) concerning or relating to the dangers or lack of danger of PVC and/or VC exposure provided by you to your employees at any time prior to 1980.

OBJECTION TO INTERROGATORY NO. 42:

This interrogatory is objected to on the grounds that it seeks information which is not relevant to the subject matter of this case.

INTERROGATORY NO. 43:

Have you ever commissioned, contracted for, aided or participated in the testing of PVC or VC in regard to safety (including but not limited to carcinogenic effects)?

ANSWER TO INTERROGATORY NO. 43:

Yes.

INTERROGATORY NO. 44:

If the answer to Interrogatory #43 is yes, please state or describe:

- a. the date or time period of each such testing activity;
- b. the adverse or dangerous effects for which the testing was being conducted;
- c. the nature, procedure and protocols employed in each such testing activity;
- d. the identity of any person who joined with, aided, contributed, collaborated, supported through financial,

scientific, medical or other means, resources, or otherwise associated with or provided assistance to you regarding each such testing activity;

e. the nature of any such assistance rendered to you or that you rendered to any other person;

f. the results and conclusions regarding safety drawn from each such testing activity;

g. the identity of each scientific, medical or management person employed by or under contract to you who was responsible at any time for conducting, supervising, analyzing the results from and/or deciding your policy in regard to each such testing activity;

h. the data, opinions or other information resulting from any such testing activity regarding carcinogenic effects of PVC or VC in man or animal;

i. the data, opinions or other information resulting from any such testing activity regarding deleterious effects of PVC or VC exposure in man or animal, other than cancer.

ANSWER TO INTERROGATORY NO. 44:

- a. The 1970's;
- b. Primarily cancer;
- c. This information is contained in the individual studies;
- d. This information is contained in the individual studies. In addition, see Answers to Interrogatories No. 9 and No. 20;
- e. Funding and technical consultation;
- f. This information is contained in the individual studies. In addition, see Answers to Interrogatories No. 9 and No. 20;
- g. Dr. Maurice N. Johnson was the person at BFG responsible for such activities. For non-BFG people involved, see Answer to Interrogatory No. 44d, above.
- h. This information is contained in the individual studies. In addition, see Answers to Interrogatories No. 9 and No. 20;
- i. This information is contained in the individual studies. In addition, see Answers to Interrogatories No. 9 and No. 20.

INTERROGATORY NO. 45:

For each year you manufactured, marketed, or distributed PVC or VC products, please identify and state the specific responsibilities of and identify the immediate superior(s) of:

- a. any person or persons responsible for overseeing the marketing of PVC and/or VC products;

- b. any person or persons responsible for overseeing the marketing of PVC and/or VC products within the state of Massachusetts;
- c. any person or persons responsible for overseeing the marketing of PVC and/or VC products to the Monsanto Company;
- d. any person or persons responsible for overseeing the distribution of such PVC and/or VC products;
- e. any person or persons responsible for overseeing the preparation and distribution of written material concerning such PVC and/or VC products, including but not limited to, advertising instructions, warnings, directions for usage and scientific data (sic);
- f. any person or persons responsible for overseeing the testing as to safety of such PVC and/or VC products;
- g. any person or persons responsible for coordinating, with regard to such PVC and/or VC products, the activities referred to in paragraph a-f of this Interrogatory;
- h. any physicians and/or medical experts in your employ with responsibility related to your production, marketing, distribution and/or testing of such PVC and/or VC products;
- i. any person or persons who acted as liaisons to any governmental agency in matters concerning or relating to the production, marketing, distribution or safety of such PVC and/or VC products.

ANSWER TO INTERROGATORY NO. 46:

- a. VC - Ed Osborne or Eli F. Barker
PVC - Jean Malone
- b. VC - James Wolff
PVC - Robert Johnson
- c. VC - James Wolff
PVC - Robert Johnson
- d. Unknown
- e. Labels - Edward M. Begnaud
Health & Safety - Dr. William McCormack
Dr. Maurice N. Johnson
Product Advertising & Literature - Unknown
- f. Dr. William McCormack
Dr. Maurice N. Johnson
- g. No one person responsible. Above named individuals worked together as necessary.
- h. Dr. William McCormack (1946 to 1973)
Dr. Maurice N. Johnson (1972 to 1985)
- i. All of the above named individuals acted as such on an as needed basis in their area of expertise.

INTERROGATORY NO. 46:

As to each individual named in Interrogatory #45, please state:

a. the department, group, and/or division of your company in which he or she was or is employed and his or her current or last known address;

b. if any such individual is no longer living, please state the name of the person currently holding his or her position in your company, or the most nearly analogous position in your company and his or her current address.

ANSWER TO INTERROGATORY NO. 46:

a. Dr. Johnson and Dr. McCormack worked at Corporate Headquarters. All other individuals worked for the Chemical Division.

b. Robert Johnson died in 1979. Bruce Tylicki is now responsible for sales in Massachusetts. His business address is 6100 Oak Tree Blvd., Cleveland, Ohio 44131.

INTERROGATORY NO. 47:

Please state the name and address of the person or persons now employed by you who is (are) the most knowledgeable about all aspects of the manufacture, marketing, sale or distribution of the following products, from 1950 to the present:

- a. one hundred percent VC monomer;
- b. eighty-eight percent PVC resin;
- c. ninety percent CPVC resin;
- d. any and all other PVC and/or VC products manufactured, marketed, sold or distributed by you.

ANSWER TO INTERROGATORY NO. 47:

a. Raymond E. Pasquali, 6100 Oak Tree Blvd., Cleveland, Ohio 44131

b. Fred E. Krause, 6100 Oak Tree Blvd., Cleveland, Ohio 44131

c. John A. Weaver, 6100 Oak Tree Blvd., Cleveland, Ohio 44131

d. Fred E. Krause, 6100 Oak Tree Blvd., Cleveland, Ohio 44313

INTERROGATORY NO. 48:

Have you or any of your agents or employees used, relied upon or been aware of any tests and/or scientific studies not conducted by you and in which you did not participate, regarding the safety of PVC and/or VC exposure? If so, for each such test or study please state and identify:

a. the person or persons or corporations or other entity who conducted the test or study;

- b. the nature and results of the test or study;
- c. the dates or time period of each such test or study;
- d. the date you first learned of such study or test;
- e. the title, volume number and date of any publication in which the results of each such test or study can be found.

OBJECTION TO INTERROGATORY NO. 48:

This interrogatory is objected to on the grounds that it is impossible to determine all information relied upon or known by all persons ever employed in any capacity by BFG.

ANSWER TO INTERROGATORY NO. 48:

See Answers to Interrogatories No. 9 and No. 20.

INTERROGATORY NO. 49:

Have you at any time learned from any source, of any medical or scientific opinion, data or other information indicating or supporting the view that PVC and/or VC:

- a. is or may be carcinogenic or otherwise harmful to humans;
- b. is or may be carcinogenic or otherwise harmful to animals.

ANSWER TO INTERROGATORY NO. 49:

Yes, BFG has become aware of such opinion or data, but does not necessarily agree with it or admit that it is in any way valid.

INTERROGATORY NO. 50:

If the answer to either part of Interrogatory #49 is yes, please state:

- a. the source of such opinion, data, or other information, including identification of the author or researcher involved in the company for which or institution at which said research was done, and state the title, volume, number and date of said publication in which said opinions, data and/or information may be found;
- b. date on which such opinion, data or information became known to you;
- c. the substance of all such data, information or opinion;
- d. any actions you took in response to such opinion, data or information, including but not limited to:

1. Any testing and ascertaining of the accuracy, validity and implications of such opinion, data or information;
2. any advice to other companies or persons engaging in the development, testing, manufacture, and/or marketing or PVC and/or VC of such opinion, data or information;
3. any advice or communication with any government agency concerning such opinion, data or information;
4. any changes you undertook in your manufacture, promotion, or marketing of PVC and/or VC as a result of learning such opinion, data or information;
5. any advice to physicians, patients and/or the public of such opinion, data or information.

OBJECTION TO INTERROGATORY NO. 50:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this case.

ANSWER TO INTERROGATORY NO. 50:

Much of the information sought by this interrogatory is contained in the documents produced with or already identified in BFG's answers provided above.

INTERROGATORY NO. 51:

Have you at any time learned from any source of any medical or scientific opinions, data or other information, contradicting or refuting the view that PVC and/or VC

- a. is or may be carcinogenic or otherwise harmful to humans;
- b. is or may be carcinogenic or otherwise harmful to animals.

ANSWER TO INTERROGATORY NO. 51:

Yes.

INTERROGATORY NO. 52:

If the answer to either part of Interrogatory #51 is yes, please state:

- a. The source of such opinion, data or other information, including identification of the author or researcher involved in the company for which or institution at which said research was done, and state the title, volume, number and date of said publication in which said opinions, data and/or information may be found;

b. date on which such opinion, data or information became known to you;

c. the substance of all such data, information or opinion;

d. any actions you took in response to such opinion, data or information, including but not limited to:

1. Any testing and ascertaining of the accuracy, validity and implications of such opinion, data or information;

2. any advice to other companies or persons engaging in the development, testing, manufacture and/or marketing of PVC and/or VC or such opinion, data or information;

3. any advice or communication with any government agency concerning such opinion, data or information;

4. any changes you undertook in your manufacture, promotion or marketing of PVC and/or VC as a result of learning such opinion, data or information;

5. any advice to physicians, patients, and/or the public of such opinion, data or information.

OBJECTION TO INTERROGATORY NO. 52:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this case.

ANSWER TO INTERROGATORY NO. 52:

Much of the information sought by this interrogatory is contained in the documents produced with or already identified in BFG's answers provided above.

INTERROGATORY NO. 53:

Please state whether you undertook to determine, alone or in conjunction with other persons, corporations, institutions or other entities, the relative merits or believability of any information described in Interrogatories #48-52.

a. If not, please state why not;

b. If so, please state:

1. The persons or persons responsible for said evaluation(s);

2. the nature and results of said evaluation(s);

3. the date or time periods during which said evaluation(s) was (were) conducted;

4. any available written reports and/or documents which were produced as a result of said evaluation(s) or state as fully as possible the results of said evaluation(s);

5. any change in your policies or practices with regard to the manufacture, marketing, sale or distribution of PVC and/or VC as a result of said evaluation(s).

OBJECTION TO INTERROGATORY NO. 53:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome and seeks information which is not relevant to the subject matter of this case.

ANSWER TO INTERROGATORY NO. 53:

Yes.

INTERROGATORY NO. 54:

Please identify the person or persons responsible for determining your policy regarding the providing of warnings and/or to purchasers of your PVC and/or VC products from 1950 - 1980.

OBJECTION TO INTERROGATORY NO. 54:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this case.

ANSWER TO INTERROGATORY NO. 54:

Much of the information sought by this interrogatory is contained in the documents produced with or already identified in BFG's answers provided above.

INTERROGATORY NO. 55:

Have you, or any of your officers, agents, employees or representatives ever participated in any meeting, conference or gathering of scientists, other chemical company representatives, physicians and/or federal officers or employees at which the safety of PVC and/or VC were the topic of discussion? If so, please state:

- a. The date or approximate time period and the location of the gathering;
- b. the topics of discussion;
- c. the person or persons representing you and their current or last known addresses, and whether they are still employed by you;
- d. the content and location of any written notes or reports concerning the substance of such gathering.

OBJECTION TO INTERROGATORY NO. 55:

This interrogatory is objected to on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this case.

ANSWER TO INTERROGATORY NO. 55:

Yes.

INTERROGATORY NO. 56:

Do you or did you at any time have any wholly or partially owned subsidiary with names different from your present name which participated in the testing, production, manufacture, marketing, packaging or distribution of PVC and/or VC products?

ANSWER TO INTERROGATORY NO. 56:

No.

*Wrong
BFG
Concluded*

INTERROGATORY NO. 57:

If the answer to Interrogatory #56 is yes, for each such subsidiary, please state:

- a. The name and address of each such subsidiary;
- b. the nature of the subsidiary's relationship to you;
- c. each PVC/VC related activity or activities in which the subsidiary participated and the years during which it was engaged in said activity or activities;
- d. which other company or companies shared with you ownership of any such partially owned subsidiary, and what share of the subsidiary each parent company, including yourself, owned.

ANSWER TO INTERROGATORY NO. 57:

Not applicable.

INTERROGATORY NO. 58:

Do you presently contend that exposure to VC is not potentially carcinogenic to humans? If so, please state the facts you rely upon to support said contention.

ANSWER TO INTERROGATORY NO. 58:

BFG responds that vinyl chloride monomer is a potential cause of angiosarcoma of the liver in humans, and further

answering states that there have been reports of an association between vinyl chloride monomer and certain brain and other liver cancers.

INTERROGATORY NO. 59:

Do you presently contend that exposure to PVC is not potentially carcinogenic to humans? If so, please state the facts you rely upon to support said contention.

ANSWER TO INTERROGATORY NO. 59:

Yes. There is no data which indicates that polyvinyl chloride is a carcinogen. See, among other literature, the documents produced with or identified in BFG's answers provided above.

INTERROGATORY NO. 60:

Please state the levels of exposure and duration to VC which you believe are potentially carcinogenic to humans. Identify all facts you rely upon to support your contention.

ANSWER TO INTERROGATORY NO. 60:

In the approximately 125 cases worldwide of angiosarcoma induced by vinyl chloride monomer reported to date, the level of vinyl chloride monomer was in the hundreds of parts per million and the exposure was over a period of several years. See documents produced with or identified in BFG's answers provided above.

INTERROGATORY NO. 61:

Please state the levels of exposure and duration to PVC which you believe are potentially carcinogenic to humans. Identify all facts you rely upon to support your contention.

ANSWER TO INTERROGATORY NO. 61:

Not applicable. See Answer to Interrogatory No. 59.

INTERROGATORY No. 62:

For each year from 1950 to present, please state the PVC and VC exposure levels and guidelines which you maintain at your own facilities for the protection of your agents and employees exposed to PVC and/or VC.

ANSWER TO INTERROGATORY NO. 62:

PVC - Not applicable.

VCM - B.F. Goodrich maintained exposure levels at or below all applicable standards, as follows:

1950 to Sept. 1972	500 ppm
Oct. 1972 to April 1974	200 ppm
April 1974 to April 1975	50 ppm
April 1975 to Date	1 ppm TWA
	5 ppm 5 minutes

INTERROGATORY NO. 63:

Please identify the individual or individuals responsible for determining the exposure levels and guidelines stated in your answer to Interrogatory #62.

ANSWER TO INTERROGATORY NO. 63:

Dr. William McCormack;
Dr. Maurice N. Johnson; and
Dr. Robert K. Hinderer

INTERROGATORY NO. 64:

Please identify all documents relied upon to determine the PVC and VC exposure levels and guidelines stated in your answer to Interrogatory #63 (sic).

ANSWER TO INTERROGATORY NO. 64:

Documents relied on include but are not limited to:

- a. Threshold Limit Values For Chemical Substances in Work Air Adopted by the American Conference of Governmental Industrial Hygienists Handbooks;
- b. OSHA regulations published in the Federal Register;
- c. NIOSH/OSHA Current Intelligence Bulletin 28, published September 21, 1978; and
- d. American Industrial Hygiene Association Hygienic Guide Series - Vinyl Chloride published July-August 1964.

INTERROGATORY NO. 65:

For all products listed in your answer to Interrogatory #2, please state:

- a. The purpose for which such products were recommended;
- b. the quantities of each such product sold annually by you;
- c. any licenses or patents applied for and received in connection with such products;
- d. whether a file of employee, customer or user

complaints, claims or warnings was kept relating to such products, and the location and custodian of such file.

OBJECTION TO INTERROGATORY NO. 65:

This interrogatory is objected to the extent it seeks information which is not relevant to the subject matter or this case and/or which constitutes confidential business information.

ANSWER TO INTERROGATORY NO. 65:

a-b. See Answer to Interrogatory No. 2 above and Answers and Objections of BFG to Interrogatories Nos. 2 and 3 of Plaintiffs (Set I).

d. As to any complaints and claims, BFG has no knowledge of any such files. As to warnings, see Answer to Interrogatory No. 20 and Exhibits C and D, attached hereto.

INTERROGATORY NO. 66:

For all products listed in your answer to Interrogatory #2, please state:

a. Whether the products met industry and/or federal and/or Massachusetts safety standards;

b. if so, please identify which standards;

c. if so, please identify the individual or individuals in charge of meeting such standards.

OBJECTION TO INTERROGATORY NO. 66:

This interrogatory is objected to on the grounds that it is vague, confusing, ambiguous and seeks information which is not relevant to the subject matter of this case.

INTERROGATORY NO. 67:

For all PVC and/or VC products which you sold or supplied to the Monsanto Indian Orchard facility from 1954-1980, please state the identity of any and all shipping companies and distributors employed or used by you to deliver such products and the applicable dates of such employment or usage.

ANSWER TO INTERROGATORY NO. 67:

BFG has been unable to determine this information.

INTERROGATORY NO. 68:

Please identify all correspondence, reports, memoranda, tests, records or other documents concerning or relating to

safety evaluations performed by or under the supervision of John L. Creech, including but not limited to:

- a. 1964 studies concerning or relating to hand abnormalities among B.F. Goodrich workers exposed to PVC and/or VC;
- b. 1973 studies concerning or relating to the effects of PVC and/or VC exposure upon workers at B.F. Goodrich's Louisville, Kentucky facilities.

ANSWER TO INTERROGATORY NO. 68:

See documents produced with or identified in BFG's answers provided above.

INTERROGATORY NO. 69:

Please identify all correspondence, studies, reports, memoranda, press releases, internal memoranda or other documents concerning or relating to the deaths of three workers employed at B.F. Goodrich's Louisville, Kentucky facilities from angiosarcoma of the liver as announced by you on January 22, 1974.

ANSWER TO INTERROGATORY NO. 69:

See documents produced with or identified in BFG's answers provided above.

INTERROGATORY NO. 70:

With regard to OSHA hearings held in February 1974 concerning the effects of PVC and/or VC exposure, please identify:

- a. All of your executives, employees or agents who attended these hearings;
- b. all memoranda, correspondence, reports, transcripts or other documents concerning or relating to these hearings.

ANSWER TO INTERROGATORY NO. 70:

See Answer to Interrogatory No. 20. In addition, the information sought is or may be contained in the transcript of the hearings, which plaintiffs can obtain as easily as can BFG.

INTERROGATORY NO. 71:

With regard to a July 17, 1973 meeting between

representatives of the CMA and NIOSH officials concerning the effects of PVC and/or VC exposure, please identify:

- a. All of your executives, employees or agents who attended this meeting;
- b. all memoranda, correspondence, reports, transcripts or other documents concerning or relating to this meeting.

ANSWER TO INTERROGATORY NO. 71:

To the best of BFG's knowledge, no one from BFG attended that meeting.

INTERROGATORY NO. 72:

Please identify any and all documents in your possession or under your control not previously identified in your answers to these interrogatories which concern or relate to dangers, health risks or deleterious effects associated with exposure to PVC and/or VC.

ANSWER TO INTERROGATORY NO. 72:

To the extent any such documents exist which are relevant to the subject matter of this case and are not privileged or otherwise protected from discovery, said documents will be made available to plaintiff for review and inspection at BFG's Corporate Headquarters at a time mutually convenient to the parties.

INTERROGATORY NO. 73:

Please identify any and all documents in your possession or under your control not previously identified in your answers to these interrogatories which concern or relate to the lack of dangers, health risks or deleterious effects associated with exposure to PVC and/or VC.

ANSWER TO INTERROGATORY NO. 73:

To the extent any such documents exist which are relevant to the subject matter of this case and are not privileged or otherwise protected from discovery, said documents will be made available to plaintiff for review and inspection at BFG's Corporate Headquarters at a time mutually convenient to the parties.

SVS-3775/B

STATE OF OHIO :
 : SS
COUNTY OF CUYAHOGA :

* * * * *
PAUL M. CULLINAN, et al.,
Plaintiffs,
v.
MONSANTO COMPANY, et al.,
Defendants.
* * * * *

CIVIL ACTION NO.
85-0378-F

I, GARY A. JONES, being duly sworn, state that I am
Manager, Litigation Support of The B.F. Goodrich Company; that
the foregoing Answers to Plaintiff's Second Set of
Interrogatories are not based upon my personal knowledge but
are based upon information contained in regular business
records and upon information received from other employees; and
that the foregoing Answers to Plaintiffs' Second Set of
Interrogatories are true and correct to the best of my
knowledge and information.

Gary A. Jones
Gary A. Jones
Manager, Litigation Support
The B.F. Goodrich Company
6100 Oak Tree Blvd.
Cleveland, OH 44131
(216) 447-6226

Subscribed and sworn to before me this 25th day of
September, 1986.

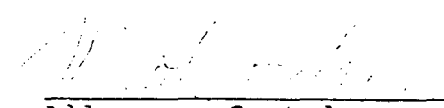
Marlene M. Simonetta
Notary Public

MARLENE M. SIMONETTA
Notary Public, State of Ohio
Recorded in Cuyahoga County

BFG11036

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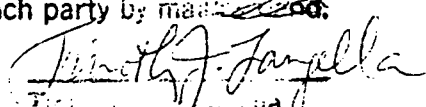
As to objections:


Allan van Gestel
Timothy J. Langella
GOODWIN, PROCTER & HOAR
Exchange Place
Boston, MA 02109
(617) 570-1000

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of
the above document was served upon the
attorney of record for each party by mail ~~and~~.

dated: 9/24/86


Timothy J. Langella

300-6077/M

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