

9/21/90 - c: E. D. DeLoughy
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Louise Tauber - Kemper (Houston)
N. R. Pittillo

f: Gary W. Hart, Esq. **BAKER & BOTTS**

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G-45,618

September 14, 1990

Mr. G. J. Triplett
Senior Regional Counsel
Union Carbide Chemicals
and Plastics Company Inc.
437 MacCorkle Avenue, S.W.
South Charleston, WV 25303

RECEIVED

SEP 19 1990

G. J. TRIPLETT

Re: No. 87-CV-488; Jerlean Clay vs. Union Carbide Corporation; In the District
Court of Galveston County, 122nd Judicial District

Dear Mr. Triplett:

I have enclosed a copy of the following documents, which were filed with
the Court on September 10, 1990 and September 14, 1990 in the above case:

Union Carbide Chemicals & Plastics Company Inc.'s Responses to Plaintiff's
Interrogatories and Request for Admissions;

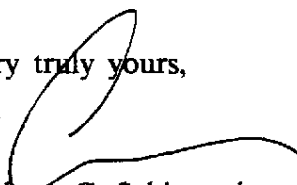
Union Carbide Chemicals & Plastics Company Inc.'s Responses to Plaintiff's
Request for Production;

Union Carbide Chemicals & Plastics Company Inc.'s Supplemental
Responses to Plaintiff's Interrogatories and Request for Admissions; and

Union Carbide Chemicals & Plastics Company Inc.'s Supplemental
Responses to Plaintiff's Request for Production.

Should you have any questions, please do not hesitate to contact me at
(713) 229-1179.

Very truly yours,


Andrew C. Schirrmeister III

ACS:1397

L0867/1397/04CG01

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 070738

JERLEAN CLAY	§	IN THE DISTRICT
	§	
VS.	§	GALVESTON COUNTY,
	§	
UNION CARBIDE CORP., ET AL	§	122ND JUDICIAL DISTRICT

**UNION CARBIDE CHEMICALS & PLASTICS COMPANY INC.'S
SUPPLEMENTAL RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION**

Union Carbide Chemicals & Plastics Company Inc. ("Union Carbide"
a Defendant, files these Supplemental Responses to Plaintiff's Request for Production

STATEMENT APPLICABLE TO ALL SUPPLEMENTAL RESPONSES

Union Carbide incorporates the Preliminary Statement, Objection
Applicable to More than One Request, and Statement Applicable to All Responses set
forth in Union Carbide Chemicals & Plastics Company Inc.'s Responses to Plaintiff's
Request for Production of Documents, dated September 10, 1990. Union Carbide further
incorporates each objection previously set forth in its response to each particular request
in Union Carbide Chemicals & Plastics Company Inc.'s Responses to Plaintiff's Request
for Production of Documents dated September 10, 1990. Union Carbide hereby produces
documents subject to those objections.

By agreeing to produce information and documents, Union Carbide states
only that it will agree to produce the requested documents and information if they exist
but makes no representation that the requested documents exist or that the requested
information is available.

REQUEST NO. 3:

All documents pertaining to Causby Clay that Union Carbide has
maintained as a part of any effort to comply with 29 C.F.R. §1910.1017(k).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 4:

All documents reflecting an effort by Union Carbide to determine the amount of exposure by Causby Clay to vinyl chloride.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 5:

A financial statement for the years 1985 to the present that would reflect the net worth of Union Carbide.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 7:

Organizational charts for the Union Carbide Texas City facility from 1950 to the present.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 9:

All plat, maps or diagrams that would show the existence and geographical relationship of the different units at the Texas City facility from 1950 through 1985.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 12:

Copies of all petitions wherein Union Carbide has been sued for personal injury damages as a result of a person's exposure to vinyl chloride at the Texas City facility or any other Union Carbide facility that has vinyl chloride in it for process.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces a document responsive to this Request.

REQUEST NO. 13:

All documents wherein there has been a governmental investigation into the monitoring and measuring of employee vinyl chloride exposure at the Texas City facility.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide has located no records of any governmental investigation into the monitoring or measuring of employee vinyl chloride exposure at areas of the Texas City facility while Mr. Clay worked in those areas.

REQUEST NO. 14:

All reports, surveys or other documents undertaken in connection with any change or modification in the design of equipment to reduce or eliminate the exposure of Union Carbide employees' exposure to vinyl chloride.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, the requested documents are available for inspection at the offices of the undersigned counsel for Union Carbide. Due to the number of the requested documents, copies have not been made. However if counsel wishes copies of documents responsive to this Request in lieu of an inspection, Union Carbide will copy and produce the requested documents.

REQUEST NO. 15:

All documents reflecting a program instituted by Union Carbide to reduce or eliminate the exposure of its employees to vinyl chloride.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request. Union Carbide further incorporates its Supplemental Response to Request No. 14.

REQUEST NO. 16:

Any documents reflecting a program of initial monitoring and measurement vinyl chloride exposure as required by 29 C.F.R. §1910.1017(d).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 17:

Any documents reflecting a follow-up program of monitoring and measuring vinyl chloride exposure as describe in 29 C.F.R. §1910.1017(d)(2).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 18:

All documents reflecting an investigation into and the establishment of "regulated areas" by Union Carbide as required by 29 C.F.R. §1910.1017(e).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 19:

All documents reflecting any program undertaken by Union Carbide at its Texas City facility in connection with compliance of 29 C.F.R. §1910.1017(f). This request includes any updates as set forth in 29 C.F.R. §1910.1017(f)(3).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide incorporates its Supplemental Responses to Requests Nos. 14 and 15.

REQUEST NO. 20:

All documents reflecting the designation of "hazardous operations" and respiratory protection and protective garments to be taken in connection with the hazardous operations as defined by 29 C.F.R. §1910.1017(b)(7) and set forth in §1910.1017(h).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 21:

All documents reflecting training procedures for employees engaged in vinyl chloride or polyvinyl chloride operations as provided in 29 C.F.R. §1910.1017(j).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 22:

All documents reflecting the nature and extent of Union Carbide's medical surveillance instituted as an effort to comply with 29 C.F.R. §1910.1017(k).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 23:

A copy of any statement provided by Causby Clay regarding his suitability for continued exposure to vinyl chloride.

RESPONSE: Union Carbide incorporates its Supplemental Response to Request No. 3.

REQUEST NO. 24:

Documents reflecting any restrictions by Causby Clay from exposure to possible contact with vinyl chloride.

RESPONSE: Union Carbide incorporates its Supplemental Response to Request No. 3.

REQUEST NO. 26:

All reports provided by Union Carbide to O.S.H.A. indicating the designation of a "regulated area" in compliance with 29 C.F.R. §1910.1017(n).

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request.

REQUEST NO. 28:

All documents indicating abnormal liver examinations or studies of Causby Clay.

RESPONSE: Union Carbide incorporates its Supplemental Response to Request No. 3.

REQUEST NO. 29:

Clay: All documents indicating the following information with regard to Causby

- (1) Alcohol intake;
- (2) Past history of hepatitis;
- (3) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals;
- (4) Past history of blood transfusions; and
- (5) Past history of hospitalizations

RESPONSE: Union Carbide incorporates its Supplemental Response to Request No. 3.

REQUEST NO. 31:

All documents indicating the name(s) and location(s) of any witness with knowledge of relevant facts.

RESPONSE: As the request is phrased, Union Carbide does not believe the requested documents exist. Union Carbide refers the Plaintiff to documents produced with these Supplemental Responses to identify persons with knowledge of relevant facts. In addition, Union Carbide incorporates its Response to Interrogatory No. 1 in Union Carbide Chemical & Plastics Company Inc.'s Responses to Plaintiff's Interrogatories and Requests for Admissions, dated September 10, 1990 to identify persons with knowledge of relevant facts. In addition, the following persons may have knowledge of relevant facts:

F. C. Phinney
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Vola Regini
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Don Deese
3024 Inwood Drive
Dickinson, Texas 77539

Calvin Campbell
11502 Highway 6
Santa Fe, Texas 77539

Wally Neimmer
3202 Yupon Drive
Dickinson, Texas 77539

REQUEST NO. 34:

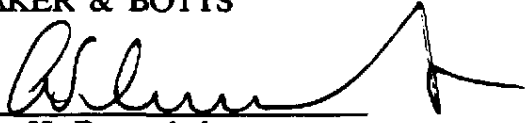
All documents reflecting any efforts made to determine the amount of exposure of Causby Clay to vinyl chloride.

RESPONSE: Subject to its Statement Applicable to All Supplemental Responses, Union Carbide hereby produces documents responsive to this Request. Union Carbide further incorporates its Supplemental Response to Request No 4.

Respectfully submitted,

BAKER & BOTTS

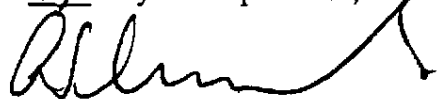
By


Lee H. Rosenthal
State Bar No. 08565500
Andrew C. Schirrmeister III
State Bar No. 17750650
Linda K. Jackson
State Bar No. 10486200
3000 One Shell Plaza
Houston, Texas 77002-4995
Telephone No. (713) 229-1179
Facsimile No. (713) 229-1522

Attorneys for Defendant
Union Carbide Chemicals & Plastics
Company Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing document to all counsel of record by hand delivery on this 14 day of September, 1990.



Andrew C. Schirmmeister III

9/10/90

NO. 87-CV-0488

JERLEAN CLAY	§	IN THE DISTRICT COURT OF
	§	
VS.	§	GALVESTON COUNTY, TEXAS
	§	
UNION CARBIDE CORP., ET AL	§	122ND JUDICIAL DISTRICT

UNION CARBIDE CHEMICALS & PLASTICS COMPANY INC.'S
RESPONSES TO PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR ADMISSIONS

Union Carbide Chemicals & Plastics Company Inc. ("Union Carbide"), a Defendant, files these Responses to Plaintiff's Interrogatories and Request for Admissions.

PRELIMINARY STATEMENT

Several of Union Carbide's objections apply to one or more of the Interrogatories. For example, several Interrogatories improperly request, among other things, irrelevant information regarding monitoring, warnings, chemical processes, plant structures, corporate manuals, industrial hygiene surveys, and other such extraneous information having nothing to do with the exposure or work environment of Causby Clay. Similarly, several Interrogatories are vague and ambiguous and fail to apprise Union Carbide of the requested information such that Union Carbide must speculate at its risk as to the meaning of the discovery requests. To avoid repetition of objections that apply to several of the Interrogatories, those objections are set forth at the outset in the form of six specifically numbered "Objections Applicable to More Than One Interrogatory" and each specific objection is, where applicable, specifically incorporated by paragraph number, for example "Objection No. 3", in Union Carbide's Responses to particular Interrogatories.

UCC 070747

OBJECTIONS APPLICABLE TO MORE THAN ONE INTERROGATORY

1. Union Carbide objects to certain Interrogatories that call for information or documents that are protected by the attorney-client privilege, were prepared in anticipation of litigation or for trial, are protected by the attorney-work product immunity, or are otherwise immune from discovery.
2. Union Carbide objects to certain Interrogatories that seek trade secrets and/or other confidential research, development, proprietary, financial, and commercial information. Accordingly, whenever Union Carbide invokes this objection in response to a particular Interrogatory and states that it will make certain information or documents available for inspection, that information will be provided to Plaintiffs, or those documents will be made available, only after an appropriate protective order has been entered by the court, and only if the requested information is not subject to any other objection stated herein.
3. Union Carbide objects to certain Interrogatories that purport to call for information or documents that are as equally available to Plaintiffs as to Union Carbide. Such information is available to Plaintiffs through proper discovery processes, and Plaintiffs' attempt to require Union Carbide to prepare Plaintiffs' case by seeking information that is as equally accessible to Plaintiffs as to Union Carbide is beyond the scope of permissible discovery and would impose an undue burden and expense on Union Carbide. Unless otherwise stated, Union Carbide will produce for inspection and copying only documents and things that are within its possession, custody or control and are not readily available to Plaintiffs from other sources.

4. Union Carbide objects to certain Interrogatories that seek information and documents concerning monitoring, warnings, chemical processes, plant structures, surveys and other such information relating to those areas of the Union Carbide Texas City plant other than the areas where Mr. Clay worked from 1953 through 1985 on the grounds that such Interrogatories are (a) overly broad and seek information and documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Many Interrogatories are completely unlimited in scope and seek information and documents that are completely unrelated to the work environment or exposure history of Mr. Clay at the Union Carbide Texas City plant. Any information as to plant processes and operations at Union Carbide's Texas City facility, in areas where Mr. Clay never worked, is completely irrelevant to Plaintiffs' allegations. Thus, unless otherwise stated, Union Carbide will only produce information and documents for the areas where Mr. Clay worked during the time period that he worked at the Union Carbide Texas City facility.
5. Union Carbide objects to certain Interrogatories that seek information and documents concerning monitoring, warnings, chemical processes, plant structures, corporate manuals, industrial hygiene surveys, surveys, and other such extraneous information for any period of time prior to 1953 or subsequent to 1985, on the grounds that these Interrogatories are (a) overly broad and seek information or documents that are not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Many Interrogatories are completely unlimited in

time and scope and seek information and documents that are completely unrelated to the allegations set forth in Plaintiff's Original Petition.

6. Union Carbide objects to Interrogatories that seek information and documents concerning monitoring, warnings, industrial hygiene surveys, plant structures, and plant procedures at Union Carbide facilities, other than the Union Carbide plant located at Texas City, Texas on the grounds that these Interrogatories are (a) overly broad and seek information and documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Mr. Clay has only worked at Union Carbide's Texas City facility and has not worked at any other Union Carbide facility. Any information about Union Carbide's procedures at plants where Plaintiff never worked is completely irrelevant to Plaintiff's allegations. Thus, unless otherwise stated, Union Carbide will only produce information and documents related to Union Carbide's Texas City facility.

STATEMENT APPLICABLE TO ALL RESPONSES

These Responses have been prepared in compliance with the Texas Rules of Civil Procedure pursuant to a reasonable and duly diligent investigation and search for information and documents properly requested. Union Carbide has conducted operations in the United States since 1925. Over that period of time, Union Carbide has had hundreds of thousands of employees, many of whom have worked at facilities in different locations throughout the United States and overseas, and in conducting such operations, has created millions of documents that have been kept in numerous different locations in different parts of the United States and abroad. Accordingly, Union Carbide does not, and could not, possibly represent that its Responses will constitute all of the

information and document requested. Rather, as required by the Texas Rules of Civil Procedure, these Responses reflect all responsive information obtained by it as of the date of these Responses pursuant to a reasonable and duly diligent search and investigation conducted in connection with these Interrogatories. To the extent that the Interrogatories purport to require any more, Union Carbide objects on the grounds that (a) the Interrogatories seek to compel Union Carbide to conduct a search beyond the scope contemplated by the Texas Rules of Civil Procedure, and (b) compliance with the Interrogatories would impose undue burden and expense.

By agreeing to produce information and documents, Union Carbide states only that it will agree to produce the requested documents and information if they exist, but makes no representation that the requested documents exist or that the requested information is available.

INTERROGATORY NO. 1:

State the name, position/title and work or residential address of each person assisting in providing information for the answering of these interrogatories and request for admissions.

ANSWER: Nila Pittillo
Union Carbide Corporation
3301 Fifth Avenue South
Administration Building 61
Texas City, Texas 77592

John B. Leverton
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Merle E. Eisenhower
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

R. L. Frantz
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Dick LaCour
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

A. P. Yalcinkaya
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

J. J. Higgs, M.D.
(retired)

Bo Hunter
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

D. B. Whittington
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Jim Rex
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Ed Miller
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Don Berringer
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, Texas 77592

Rosemary Kendall Abbott
Union Carbide Corporation
39 Old Ridgeberry Rd.
Danbury, Conn. 06817-0001

REQUEST FOR ADMISSION NO. 1:

Do you admit that hepatocellular carcinoma of the liver was a cause of Causby Clay's death?

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 2:

Do you admit that Causby Clay was exposed to vinyl chloride while working at Union Carbide's Texas City facility?

RESPONSE: Admit.

INTERROGATORY NO. 2:

If you deny the preceding Request for Admission, state each reason, fact, report or other basis of which you are aware that supports your preceding denial.

ANSWER: N/A.

REQUEST FOR ADMISSION NO. 3:

Do you admit that Causby Clay's exposure to vinyl chloride was a cause of his hepatocellular carcinoma of the liver?

RESPONSE: Denied.

INTERROGATORY NO. 3:

If you deny the preceding Request for Admission, state each fact, reason, report or article that is the basis for your denial.

ANSWER: Mr. Clay was suffering from chronic hepatitis B infection which was manifested by abnormal liver function studies documented as early as 1976 and which gradually progressed to the time of death. Postmortum examination of his liver showed chronic micro- and macronodular

cirrhosis secondary to hepatitis B. He was found to have a hepatocellular carcinoma with minimal invasion of the liver and lungs of sufficiently small volume that it was not of clinical significance. This tumor was shown by histochemical staining to contain both hepatitis core antigen and hepatitis surface antigen within the nuclei and cytoplasm of the tumor cells. Hepatitis B is the most common associated condition considered to contribute to the cause of hepatocellular carcinoma. Vinyl chloride exposure in humans is associated with the development of hepatic tumors of an alternate histologic description namely angiosarcoma. Those cases of hepatocellular carcinoma in patients with a poly vinyl chloride exposure history are always associated with exposure to conditions known to be associated with hepatocellular carcinomas such as alcoholic liver disease or as in Mr. Clay's case hepatitis B induced cirrhosis confounding this clinical condition. In man vinyl chloride exposure is associated with angiosarcoma in the liver, but the association with hepatocellular carcinoma is coincidental, of low incidence as might be expected in a noncausative relationship and in association with conditions known to predispose hepatocellular carcinomas independent of vinyl chloride exposure.

REQUEST FOR ADMISSION NO. 4:

Do you admit that exposure to vinyl chloride can cause hepatocellular carcinoma of the liver?

RESPONSE: Denied.

INTERROGATORY NO. 4:

If you deny the preceding Request for Admission, state each fact, reason, report, article or other basis for your denial.

ANSWER: Vinyl chloride exposure in man is associated with an increased incidence of angiosarcoma of the liver. There are a few instances of patients with hepatocellular carcinoms who have had vinyl chloride exposure. These cases are rare and always are associated with other factors known to be associated with hepatocellular carcinomas such as alcoholic cirrhosis. The histopathological changes described in laboratory animals and in patients exposed to vinyl chloride are similar. These changes that seem to represent an evolution from toxicity to angiosarcoma exist in laboratory animals and man. However, in those special laboratory conditions, i.e. exposure to very young animals who have a high spontaneous hepatocellular carcinoma rate naturally, an increase incidence of hepatocellular carcinoma is described with histological changes suggesting an evolution from toxicity to hepatocellular carcinoma.

These findings are not true for man. The incidence of hepatocellular carcinoma, as a distinct entity from angiocarcinoma following vinyl chloride exposure is rare in man. It is not evident that vinyl chloride exposure predispose humans to an increased incidence of hepatocellular carcinoma, and when hepatocellular carcinoma is present in patients with a history of vinyl chloride exposure other factors recognized as predisposing factors toward the development of hepatocellular carcinomas are found to exist suggesting merely a coincidental association to vinyl chloride exposure and a causative role by these other known risk factors for hepatocellular carcinoma.

INTERROGATORY NO. 5:

If you have admitted the preceding Request for Admission, state when Union Carbide was first aware that there was a causal connection.

ANSWER: N/A.

INTERROGATORY NO. 6:

State when and how Union Carbide first became aware that vinyl chloride may be a carcinogen.

ANSWER: Union Carbide first became aware of the suspected carcinogen effects of vinyl chloride around 1974 with the publication of articles and reports in medical and scientific literature indicating that vinyl chloride might be a carcinogen. Vinyl chloride was listed by OSHA as a suspected carcinogen on or about April 1, 1975.

INTERROGATORY NO. 7:

Excluding hepatocellular carcinoma of the liver, what deleterious health effects does Union Carbide acknowledge can result from exposure to vinyl chloride. Answer by stating the health effect, when Union Carbide first became aware of such potential effect, and how Union Carbide became aware of such effect.

ANSWER: The acute effects of short duration, high exposure to vinyl chloride are dizziness, blurred vision and fainting. In high concentrations, vinyl chloride can cause narcosis and even death by asphyxiation. Vinyl chloride as late as 1955 was under consideration by the medical profession as an anesthetic for humans.

The chronic effects of vinyl chloride include acro-osteolysis of the fingers (spasm of the small arteries, pain, poor circulation and "clubbing"),

sclerodermic type skin lesions, angiosarcoma of the liver, and possible mutagen effects resulting from chromosomal alteration.

INTERROGATORY NO. 8:

Describe in detail all efforts made to monitor and measure Causby Clay's exposure to vinyl chloride setting forth what was done, when it was done and the results.

ANSWER: Mr. Clay's exposure to vinyl chloride was monitored in accordance with Union Carbide and government procedures for a worker of his classification. This included continuous multipoint gas chromatographic analysis and area monitoring.

Additionally, medical examinations were offered to Mr. Clay.

INTERROGATORY NO. 9:

Describe in detail all efforts made to monitor and measure exposure by any Union Carbide employee to vinyl chloride. If there has been any difference in the monitoring and measuring efforts between different crafts such as laborers and operators, then describe such differences and the reasons for such differences.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 4, 5 and 6. Subject to its objection, Union Carbide states that employees assigned to regulated areas are monitored on a monthly basis. Employees assigned to nonregulated areas are monitored quarterly. The difference is due to the variance in exposure potential of the employees to vinyl chloride.

INTERROGATORY NO. 10:

Describe in detail all programs established and implemented to reduce exposure to vinyl chloride such as engineering and work practice controls indicating the nature of the change, when it was undertaken, and the amount of reduction in exposure resulting therefrom.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 4, 5 and 6. Subject to its objections, Union Carbide states that programs and modifications to reduce exposure to vinyl chloride included:

1. Area monitoring.

2. Alarm system was installed which produced both noise and light warning in the event of a vinyl chloride emergency or accidental leak.
3. Designations of "regulated" areas.
4. Implementation of logging procedure for entry and exit of regulated areas.
5. Formulation of safety procedures in the event of emergency leaks or accidents involving vinyl chloride.
6. Personal monitoring.
7. Employee notification of over exposures to vinyl chloride.
8. Installation of fresh air tanks in the vinyl chloride units.
9. Institution of engineering measures to reduce or eliminate all fugitive vinyl chloride leaks, including new packing and seals for compressors, as well as design changes by equipment manufacturers, and improvement of mechanical seals, pumps, and agitators.
10. Institution of new operating procedures to purge vinyl chloride back into the system to eliminate releasing vinyl chloride into the atmosphere. A vacuum stripping system was employed which recovered the vinyl chloride.
11. Medical surveillance.
12. Modification of operating procedures to reduce escape of vinyl chloride including the method in which filters were changed and the method in which vinyl chloride sampling was accomplished.
13. Examination of all vinyl chloride vents for leaks and institution of programs to minimize leaks and spills.
14. Worker training.

INTERROGATORY NO. 11:

Describe the medical surveillance program undertaken by Union Carbide in an attempt to comply with 29 C.F.R. §1910.1017(k) by indicating what the program was and when it was put into effect.

ANSWER: Employees regularly assigned to a vinyl chloride regulated area received preplacement examinations and medical surveillance. The medical surveillance was offered annually for employees whose past exposure to vinyl chloride was less than 10 years and semiannually for those with exposures greater than 10 years.

Employees with intermittent assignments to vinyl chloride areas were offered medical surveillance if the frequency of assignments to vinyl chloride areas was once or more per month or if personal monitoring indicated exposure above the action level.

Additionally, any employee concerned about a health problem could consult the Medical Division where appropriate examinations and recommendations would be made.

INTERROGATORY NO. 12:

If Causby Clay was ever restricted from possible contact with vinyl chloride, then state the date of such restriction, the reason such restriction came into effect and how such restriction was to be effectuated.

ANSWER: Causby Clay was restricted from all vinyl chloride areas on 9/27/83 because of Dr. J. J. Higgs' recommendation. Mr. Clay was no longer permitted to enter vinyl chloride areas.

INTERROGATORY NO. 13:

List each trade occasion or organization such as Chemical Manufacturers Association, American Industrial Health Council, etc. to which Union Carbide has belonged, stating the years during which it was a member, the purposes of the organization, the name(s) of the company liaison to the organization and the amount of money given to the organization by Union Carbide annually.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 5 and 6. Subject to its objections, Union Carbide provides the following information: Chemical Manufacturers Association, Texas Chemical Council, American Industrial Hygiene Association — Gulf Coast Section, and American Board of Industrial Hygiene.

INTERROGATORY NO. 14:

During any of the years that Union Carbide was a member of the foregoing organization(s) were any studies undertaken to determine the health hazards from exposure to vinyl chloride. If so, identify the title, year and author of such studies.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection No. 3.

INTERROGATORY NO. 15:

Describe any participation by Union Carbide, either directly or indirectly, through any of its trade organizations, in the setting of governmental standards for exposure to vinyl chloride by indicating the name of person who appeared before a governmental entity, the name of the governmental entity or committee before which he appeared, the representative capacity in which he appeared and a description of any documents, reports, or studies which were submitted to the committee.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 3, 5 and 6. Subject to its objections, Union Carbide states that R. N. Wheeler appeared before the OSHA vinyl chloride hearing in 1974 and presented a work practice proposal for vinyl chloride resin manufacturing. The work practice proposal suggested work procedures to limit employee exposure to vinyl chloride monomer in synthetic polymer manufacturing.

INTERROGATORY NO. 16:

Identify any claims for personal injury damages that have been asserted against Union Carbide as a result of vinyl chloride exposure to liver cancer. Indicate the name and address of the claimant, the name and address of claimant's attorney, the nature of the claim, and the date claim was made upon Union Carbide.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection No. 6. Subject to its objection, the following claim involving liver cancer was asserted against Union Carbide Corporation as a result of exposure to chemicals including vinyl chloride: *Mrs. Florence H. Johnson v. Union Carbide Corporation*, No. 118,612, 56th District Court of Galveston County, Texas. Plaintiff's counsel was Mandell & Wright, Houston, Texas.

INTERROGATORY NO. 17:

Identify any current or former employee of Union Carbide suspected to have had or to have liver cancer of any kind. If the specific type of liver cancer is known, please indicate such type in connection with person's name and address.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 5 and No. 6 and on the grounds that the requested information is not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Additionally, the Interrogatory seeks information which is immune from discovery because of the physician-patient privilege, Tex. R. Evid. 509, and because it invades the privacy of persons not associated with this suit.

INTERROGATORY NO. 18:

Give a complete and full history of Causby Clay's work history while at Union Carbide indicating the following:

- (a) In which units of the plant he worked;
- (b) What period of time he worked in such unit;
- (c) The name of his supervisor during such time;
- (d) The name of his co-workers during such time;
- (e) A general description of the chemical process of the particular unit in which he was working; and
- (f) The identity of the chemicals in the unit to which Causby Clay may have been exposed.

ANSWER: As of the date of these Responses, Union Carbide has not identified the specific units Causby Clay worked in, nor his supervisors or co-workers. Generally, Mr. Clay's work history was as follows:

1953 - 1965	General maintenance laborer
1965 - 1973	Laborer general helper, truck driver
1973 - 1974	Laborer, truck driver, stores clerk
1974 - 1979	Insulator apprentice
1979 - 1982	Insulator
1982 - 1985	Insulator leadman

REQUEST FOR ADMISSION NO. 5:

Do you admit that Causby Clay had been employed in vinyl chloride or polyvinyl chloride manufacturing for ten years or longer as of the time of his death?

RESPONSE: Denied.

INTERROGATORY NO. 19:

Give a full and complete list of chemicals to which Causby Clay may have been exposed during his work history with Union Carbide indicating the dates of exposure.

ANSWER: Union Carbide objects to this Interrogatory on the grounds that the Interrogatory is overly broad, burdensome and seeks information and/or documents that are not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

With regard to personnel at the Union Carbide Texas City facility, whose duties pertain to toxicology, epidemiology, industrial hygiene, physical medicine or plant safety, please identify such person indicating their title, the years during which such title applied, and their duties.

ANSWER: The following persons were the plant physicians at the Texas City plant during the years 1953 through 1985:

1953 - 1956	Dr. Carl Dernehl
1956 - 1964	Dr. R. E. Joyner Dr. R. E. Headlee
1965 - 1967	Dr. R. E. Joyner Dr. C. W. Gillispie
1967 - 1972	Dr. R. E. Joyner Dr. D. H. Glenn
1972 - 1975	Dr. D. H. Glenn
1976 - 1977	Dr. D. H. Glenn Dr. A. Dominguez

1978 - 1985	Dr. D. H. Glenn Dr. J. J. Higgs
-------------	------------------------------------

The following persons were in charge of the safety department during the relevant time period:

1954 - 1956	George Juneman
1957 - 1968	H. Ritchie
1969 - 1973	J. F. Schultz
1973 - 1974	Fred Keller
1976 - 1983	R. D. Taylor
1983 - 1985	C. Phinney

The following persons were in charge of the industrial hygiene department and its predecessors:

1953 - 1967	Industrial hygiene fell under the responsibility of the medical department and Dr. R. E. Joyner.
1967 - 1979	Don E. Deese
1979 - 1985	A. P. Yalcinkaya

INTERROGATORY NO. 21:

Describe any epidemiological, toxicological or medical research or studies undertaken by Union Carbide, either directly or indirectly through a third party, into the potential health hazards occasioned with exposure to vinyl chloride.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection Nos. 3 and 6. However, without waiving the foregoing objections, as the request relates to epidemiological studies, Union Carbide participated in the "Mortality Study of Workers in Manufacture of Vinyl Chloride and Its Polymers," Irving R. Tabershaw, M.D. and William R. Gaffey, Ph.D., Journal of Occupational Medicine, August 1974; "Report on a Mortality Study Covering Employees of PVC Fabricators", Organization Resources Counselors, Inc., February 1976; and, "Epidemiological Study of Vinyl Chloride Workers," Equitable Environmental Health, Inc., August 1977.

INTERROGATORY NO. 22:

With regard to the "bull pen" work force, please explain what "bull pen" referred to, how workers from the "bull pen" were assigned and what type of work they performed.

ANSWER: "Bull pen" is not an official Union Carbide place, term, or procedure. To the extent that such existed, it is believed that it referred to an area where the workmen kept their tools overnight and where they congregated in the mornings while awaiting work assignments.

INTERROGATORY NO. 23:

With regard to work performed by laborers from the "bull pen" on the "presses," explain the work involved by indicating what function the presses served, what worked the laborers performed, the years during which the work was performed and the chemicals to which the laborers cleaning the presses may have been exposed.

ANSWER: The presses were located in the solution vinyls unit. The presses consisted of filter papers located between plates. The laborers would clean the presses by removing the filter papers. Gloves were required to be worn. The presses were in use between 1948 - 1976 and were discontinued because they were too labor intensive.

INTERROGATORY NO. 24:

If there were any radiation sources at the Union Carbide Texas City facility from 1950 to 1985 (other than testing equipment or lab equipment), then state the source, where it was located and the years it was so located.

ANSWER: Union Carbide objects to this Interrogatory on the grounds that it is not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Union Carbide states that there are gauges in use at the Texas City plant of various purposes and in various locations which have changed over time. If the Plaintiff will be more exact as to the inquiry, Union Carbide will endeavor to respond.

INTERROGATORY NO. 25:

With regard to any expert who may be called as a witness, please give the identity and location (name, address and telephone number) of such expert and the subject matter on which the witness is expected to testify, the mental impressions and opinions held by the expert and the facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert.

ANSWER:

Daniel Lehane, M.D.
6550 Fannin #2225
Houston, TX 77030
713-790-0257

See Response to Interrogatory Nos. 3, 4 and 7.

John Leverton
Union Carbide
3301 Fifth Avenue South
Texas City, TX 77592
409-948-5289

May testify as to vinyl chloride at the Texas City plant and in the course of such testimony may render expert opinions.

Merle E. Eisenhour
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, TX 77592
409-948-5518

May testify as to vinyl chloride at the Texas City plant and in the course of such testimony may render expert opinions.

R. L. Frantz
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, TX 77592
409-948-5973

May testify as to vinyl chloride at the Texas City plant and in the course of such testimony may render expert opinions.

Dick LaCour
Union Carbide Corporation
3301 Fifth Avenue South
Texas City, TX 77592
409-948-5123

May testify as to industrial hygiene at the Texas City plant and in the course of such testimony may render expert opinions.

J. J. Higgs, M.D.

May testify as to medical surveillance at the Texas City plant and Mr. Clay's medical history and in the course of such testimony may render expert opinions.

INTERROGATORY NO. 26:

With regard to any expert used for consultation and who is not expected to be called as a witness at trial but whose work product forms a basis either in whole or in part of the opinions of an expert who is to be called as a witness, please identify and the location (name, address and telephone number) of such expert and the subject matter on which the witness is expected to testify, the mental impressions and opinions held by the expert and the facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert.

ANSWER: N/A

INTERROGATORY NO. 27:

Please identify any documents, including papers, books, accounts, drawings, graphs, charts, photographs, videotape or electronic recordings and any other data compilations from information can be obtained and translated, if necessary, that depict matters relevant to this case and which you intend to enter into evidence at the trial of this case.

ANSWER: Union Carbide objects to this Interrogatory on the grounds set forth in Objection No. 1.

INTERROGATORY NO. 28:

If you carry insurance under which any person or company may be liable to satisfy all or part of any judgment which may be rendered in this case, state the name of the person or company, the type of policy and the deductibles and limits of the policy and whether there is a dispute about the coverage.

ANSWER: The insurance policies for the relevant periods are:

General Liability

Aetna: 1953 - April 9, 1970
Limits: \$25,000 per person
\$25,000 per accident
\$200,000 aggregate products

American Motorists: April 10, 1970 - April 9, 1985
Limits: \$500,000

Workers' Compensation

Aetna: 1953 - April 9, 1970
Limits: Statutory

American Motorists: April 10, 1970 - April 9, 1985
Limits: Statutory

Respectfully submitted,

BAKER & BOTTS

By _____
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Facsimile No. (713) 229-1522

Attorneys for Defendant
Union Carbide Chemicals & Plastics
Company Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing document to all counsel of record by hand delivery on this 10th day of September, 1990.

Linda K. Jackson

AFFIDAVIT

My name is Nila Pittillo. I am an employee of Union Carbide Chemicals and Plastics Company, Inc. ("Union Carbide"), duly authorized to give this affidavit. I have read Union Carbide's answers to plaintiff's First Set of Interrogatories and Request for Admissions. They represent the corporate response of Union Carbide, and no single person has personal knowledge of all the information contained within them. With the assistance of counsel, I was involved in assembling the information used to answer the interrogatories. The answers are based upon information obtained as of the date of the answers, and they are correct to the best of my knowledge, information and belief.

NILA PITTILLO

STATE OF TEXAS §
 §
COUNTY OF _____§

Sworn before me on the ____ day of September, 1990, by Nila Pittillo.

Notary Public, State of

Printed Name of Notary:

My Commission Expires:

9/10/90

NO. 87-CV-0488

JERLEAN CLAY	§	IN THE DISTRICT COURT OF
	§	
VS.	§	GALVESTON COUNTY, TEXAS
	§	
UNION CARBIDE CORP., ET AL	§	122ND JUDICIAL DISTRICT

**UNION CARBIDE CHEMICALS & PLASTICS COMPANY INC.'S
RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION**

Union Carbide Chemicals & Plastics Company Inc. ("Union Carbide"),
a Defendant, files these Responses to Plaintiff's Request for Production.

PRELIMINARY STATEMENT

Several of Union Carbide's objections apply to one or more of the Requests for Production. For example, several Requests improperly seek, among other things, irrelevant information regarding monitoring, warnings, chemical processes, plant structures, corporate manuals, industrial hygiene surveys, and other such extraneous information having nothing to do with the exposure or work environment of Causby Clay. To avoid repetition of objections that apply to several of the Requests, those objections are set forth at the outset in the form of six specifically numbered "Objections Applicable to More Than One Request" and each specific objection is, where applicable, specifically incorporated by paragraph number, for example "Objection No. 3", in Union Carbide's Responses to particular Requests.

OBJECTIONS APPLICABLE TO MORE THAN ONE REQUEST

1. Union Carbide objects to certain Requests that call for information or documents that are protected by the attorney-client privilege, were prepared in anticipation of litigation or for trial, are protected by the attorney-work product immunity, or are otherwise immune from discovery.

UCC 070768

2. Union Carbide objects to certain Requests that seek trade secrets and/or other confidential research, development, proprietary, financial, and commercial information. Accordingly, whenever Union Carbide invokes this objection in response to a particular Request and states that it will make certain information or documents available for inspection, that information will be provided to Plaintiff, or those documents will be made available, only after an appropriate protective order has been entered by the court, and only if the requested information is not subject to any other objection stated herein.
3. Union Carbide objects to certain Requests that purport to call for information or documents that are as equally available to Plaintiff as to Union Carbide. Such information is available to Plaintiff through proper discovery processes, and Plaintiff's attempt to require Union Carbide to prepare Plaintiff's case by seeking information that is as equally accessible to Plaintiff as to Union Carbide is beyond the scope of permissible discovery and would impose an undue burden and expense on Union Carbide. Unless otherwise stated, Union Carbide will produce for inspection and copying only documents and things that are within its possession, custody or control and are not readily available to Plaintiff from other sources.
4. Union Carbide objects to certain Requests that seek information and documents concerning monitoring, warnings, chemical processes, plant structures, surveys and other such information relating to those areas of the Union Carbide Texas City plant other than the areas where Mr. Clay worked from 1953 through 1985 on the grounds that such Requests are (a) overly broad and seek information and documents that are not relevant to the subject matter of this action or reasonably

calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Many Requests are completely unlimited in scope and seek information and documents that are completely unrelated to the work environment or exposure history of Mr. Clay at the Union Carbide Texas City plant. Any information as to plant processes and operations at Union Carbide's Texas City facility, in areas where Mr. Clay never worked, is completely irrelevant to Plaintiff's allegations. Thus, unless otherwise stated, Union Carbide will only produce information and documents for the areas where Mr. Clay worked during the time period that he worked at the Union Carbide Texas City facility.

5. Union Carbide objects to certain Requests that seek information and documents concerning monitoring, warnings, chemical processes, plant structures, corporate manuals, industrial hygiene surveys, surveys, and other such extraneous information for any period of time prior to 1953 or subsequent to 1985, on the grounds that these Requests are (a) overly broad and seek information or documents that are not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Many Requests are completely unlimited in time and scope and seek information and documents that are completely unrelated to the allegations set forth in Plaintiff's Original Petition.
6. Union Carbide objects to Requests that seek information and documents concerning monitoring, warnings, industrial hygiene surveys, plant structures, and plant procedures at Union Carbide facilities, other than the Union Carbide plant located at Texas City, Texas on the grounds that these Requests are (a) overly broad and seek information and documents that are not relevant to the subject

matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and (b) unduly burdensome and oppressive. Mr. Clay has only worked at Union Carbide's Texas City facility and has not worked at any other Union Carbide facility. Any information about Union Carbide's procedures at plants where Plaintiff never worked is completely irrelevant to Plaintiff's allegations. Thus, unless otherwise stated, Union Carbide will only produce information and documents related to Union Carbide's Texas City facility.

STATEMENT APPLICABLE TO ALL RESPONSES

These Responses have been prepared in compliance with the Texas Rules of Civil Procedure pursuant to a reasonable and duly diligent investigation and search for information and documents properly requested. Union Carbide has conducted operations in the United States since 1925. Over that period of time, Union Carbide has had hundreds of thousands of employees, many of whom have worked at facilities in different locations throughout the United States and overseas, and in conducting such operations, has created millions of documents that have been kept in numerous different locations in different parts of the United States and abroad. Accordingly, Union Carbide does not, and could not, possibly represent that its Responses will constitute all of the information and document requested. Rather, as required by the Texas Rules of Civil Procedure, these Responses reflect all responsive information obtained by it as of the date of these Responses pursuant to a reasonable and duly diligent search and investigation conducted in connection with these Interrogatories. To the extent that the Requests purport to require any more, Union Carbide objects on the grounds that (a) the Requests seek to compel Union Carbide to conduct a search beyond the scope

contemplated by the Texas Rules of Civil Procedure, and (b) compliance with the Requests would impose undue burden and expense.

By agreeing to produce information and documents, Union Carbide states only that it will agree to produce the requested documents and information if they exist, but makes no representation that the requested documents exist or that the requested information is available.

REQUEST NO. 1:

All insurance policies under which any person or company may be liable to satisfy any part of a judgment that would be rendered in this case.

RESPONSE: The insurance policies for the relevant periods are:

General Liability

Aetna: 1953 - April 9, 1970
Limits: \$25,000 per person
\$25,000 per accident
\$200,000 aggregate products

American Motorists: April 10, 1970 - April 9, 1985
Limits: \$500,000

Workers' Compensation

Aetna: 1953 - April 9, 1970
Limits: Statutory

American Motorists: April 10, 1970 - April 9, 1985
Limits: Statutory

REQUEST NO. 2:

Reports from any testifying or consulting experts.

RESPONSE: Union Carbide will produce the report of Daniel E. Lehane, M.D. after Marvin Legator's deposition.

REQUEST NO. 3:

All documents pertaining to Causby Clay that Union Carbide has maintained as a part of any effort to comply with 29 C.F.R. §1910.1017(k).

RESPONSE: The requested documents will be produced to the extent that they are available.

REQUEST NO. 4:

All documents reflecting an effort by Union Carbide to determine the amount of exposure by Causby Clay to vinyl chloride.

RESPONSE: Union Carbide understands this request to ask for monitoring data and will produce the requested documents to the extent that they are available as to dates when Mr. Clay worked in vinyl chloride areas. Additionally, area monitoring may have occurred in areas where Mr. Clay worked while on the premises, but these areas have not been identified.

REQUEST NO. 5:

A financial statement for the years 1985 to the present that would reflect the net worth of Union Carbide.

RESPONSE: Union Carbide will produce Annual Reports for 1985 - 1989.

REQUEST NO. 6:

Copies of all books, treatises, journals, articles or monographs utilized or relied upon by any Union Carbide expert as a basis of his opinion.

RESPONSE: Dr. Daniel E. Lehane's files will be made available for inspection during his deposition.

REQUEST NO. 7:

Organizational charts for the Union Carbide Texas City facility from 1950 to the present.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5 and 6. Subject to its objection, Union Carbide will produce the requested documents to the extent that they are available.

REQUEST NO. 8:

Organizational charts for Union Carbide worldwide corporate headquarters from 1950 to the present indicating the structure of the medical, toxicology, epidemiology, industrial hygiene and safety departments.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide incorporates its response to Request No. 7.

REQUEST NO. 9:

All plat, maps or diagrams that would show the existence and geographical relationship of the different units at the Texas City facility from 1950 through 1985.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4 and 5. Subject to its objection, Union Carbide will produce two maps of the Texas City plant.

REQUEST NO. 10:

All reports prepared by Union Carbide in compliance with governmental requirements indicating the type of chemicals existing at the Texas City facility from 1950 through 1985.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 2, 4, and 5. Union Carbide further objects to this Request on the grounds that it is overly broad, burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

REQUEST NO. 11:

All reports prepared by Union Carbide in compliance with governmental standards indicating the type and amount of chemicals discharged by the Texas City facility from 1950 through 1985.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 2, 4, and 5. Union Carbide further objects to this Request on the grounds that it is overly broad, burdensome and seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence.

REQUEST NO. 12:

Copies of all petitions wherein Union Carbide has been sued for personal injury damages as a result of a person's exposure to vinyl chloride at the Texas City facility or any other Union Carbide facility that has vinyl chloride in it for process.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection No. 6. Subject to this objection, Union Carbide will produce one Petition alleging liver damage from exposure to vinyl chloride at the Texas City facility.

REQUEST NO. 13:

All documents wherein there has been a governmental investigation into the monitoring and measuring of employee vinyl chloride exposure at the Texas City facility.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4 and 5. Subject to this objection, Union Carbide will produce documents relating to OSHA investigations into monitoring vinyl chloride exposure at areas of the Texas City facility while Mr. Clay worked in those areas to the extent that they are available.

REQUEST NO. 14:

All reports, surveys or other documents undertaken in connection with any change or modification in the design of equipment to reduce or eliminate the exposure of Union Carbide employees' exposure to vinyl chloride.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 2, 4, 5, and 6. Subject to its objection, Union Carbide will produce documents relating to engineering changes or modifications and efforts in the vinyl chloride units to reduce exposure for the Texas City plant to the extent that they are available.

REQUEST NO. 15:

All documents reflecting a program instituted by Union Carbide to reduce or eliminate the exposure of its employees to vinyl chloride.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 2, 4, 5, and 6. Subject to its objection, Union Carbide incorporates the answers to Request Nos. 14, 16 and 17.

REQUEST NO. 16:

Any documents reflecting a program of initial monitoring and measurement vinyl chloride exposure as required by 29 C.F.R. §1910.1017(d).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide will produce the documents for the areas where Causby Clay worked while he worked there to the extent that they are available.

REQUEST NO. 17:

Any documents reflecting a follow-up program of monitoring and measuring vinyl chloride exposure as describe in 29 C.F.R. §1910.1017(d)(2).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide will produce the documents for the areas where Causby Clay worked while he worked there to the extent that they are available.

REQUEST NO. 18:

All documents reflecting an investigation into and the establishment of "regulated areas" by Union Carbide as required by 29 C.F.R. §1910.1017(e).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide will produce documents relating to the establishment of regulated areas of the Texas City facility to the extent they are available.

REQUEST NO. 19:

All documents reflecting any program undertaken by Union Carbide at its Texas City facility in connection with compliance of 29 C.F.R. §1910.1017(f). This request includes any updates as set forth in 29 C.F.R. §1910.1017(f)(3).

RESPONSE: Union Carbide incorporates the answer to Request No. 14.

REQUEST NO. 20:

All documents reflecting the designation of "hazardous operations" and respiratory protection and protective garments to be taken in connection with the hazardous operations as defined by 29 C.F.R. §1910.1017(b)(7) and set forth in §1910.1017(h).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide will produce the training manual on hazardous operations.

REQUEST NO. 21:

All documents reflecting training procedures for employees engaged in vinyl chloride or polyvinyl chloride operations as provided in 29 C.F.R. §1910.1017(j).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 5 and 6. Subject to its objection, Union Carbide will produce the requested documents for the Texas City plant to the extent that they are available.

REQUEST NO. 22:

All documents reflecting the nature and extent of Union Carbide's medical surveillance instituted as an effort to comply with 29 C.F.R. §1910.1017(k).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 5 and 6. Subject to its objection, Union Carbide will produce the documents which relate to Causby Clay and the medical surveillance program in existence for the Texas City facility.

REQUEST NO. 23:

A copy of any statement provided by Causby Clay regarding his suitability for continued exposure to vinyl chloride.

RESPONSE: Union Carbide has found no such document.

REQUEST NO. 24:

Documents reflecting any restrictions by Causby Clay from exposure to possible contact with vinyl chloride.

RESPONSE: Union Carbide will produce the requested documents to the extent that they are available.

REQUEST NO. 25:

All monitoring and measuring records kept by Union Carbide in compliance with 29 C.F.R. §1910.1017(m).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Additionally, Union Carbide objects to this Request on the grounds that it is overly broad and seeks information or documents that are not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 26:

All reports provided by Union Carbide to O.S.H.A. indicating the designation of a "regulated area" in compliance with 29 C.F.R. §1910.1017(n).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide hereby incorporates its Response to Request No. 18.

REQUEST NO. 27:

All written notifications given by Union Carbide to employees in compliance with 29 C.F.R. §1910.1017(n)(3).

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide has found no such notifications to Mr. Clay.

REQUEST NO. 28:

All documents indicating abnormal liver examinations or studies of Causby Clay.

RESPONSE: Union Carbide will produce the requested documents to the extent that they are available.

REQUEST NO. 29:

All documents indicating the following information with regard to Causby Clay:

- (1) Alcohol intake;
- (2) Past history of hepatitis;
- (3) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals;
- (4) Past history of blood transfusions; and
- (5) Past history of hospitalizations

RESPONSE: Union Carbide will produce Causby Clay's records from the medical and employment departments at the Texas City plant. To the extent this Request asks for documents beyond that, Union Carbide objects on the grounds set forth in Objection No. 3.

REQUEST NO. 30:

All documents indicating a cause for Causby Clay's hepatocellular carcinoma other than vinyl chloride exposure.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection No. 3. Subject to its objection, see Response to Request Nos. 2 and 6.

REQUEST NO. 31:

All documents indicating the name(s) and location(s) of any witness with knowledge of relevant facts.

RESPONSE: As the request is phrased, Union Carbide does not believe the requested documents exist. Union Carbide refers the Plaintiff to documents to be produced with these Responses to identify persons with knowledge of relevant facts. In addition, Union Carbide incorporates its response to Interrogatory No. 1 to identify persons with knowledge of relevant facts.

REQUEST NO. 32:

All documents which would give the identity and location if any person involved in epidemiology, toxicology, industrial hygiene, physical medicine or plant safety at the Union Carbide Texas City facility.

RESPONSE: Union Carbide hereby incorporates its response to Request No. 31 and to its response to Interrogatory No. 20.

REQUEST NO. 33:

All documents which would give the identity and location if any person involved in epidemiology, toxicology, industrial hygiene, physical medicine or plant safety at the Union Carbide corporate home office.

RESPONSE: Union Carbide objects to this Request on the grounds set forth in Objection Nos. 4, 5, and 6. Subject to its objection, Union Carbide hereby incorporates its answer to Request Nos. 31 and 32, and its response to Interrogatory No. 20.

REQUEST NO. 34:

All documents reflecting any efforts made to determine the amount of exposure of Causby Clay to vinyl chloride.

RESPONSE: Union Carbide hereby incorporates its answers to Request No 4.

Respectfully submitted,

BAKER & BOTTS

By _____

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Attorneys for Defendant
Union Carbide Chemicals & Plastics
Company Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing document to all counsel of record by certified mail, return receipt requested, or by hand delivery on this 16th day of September, 1990.

Linda K. Jackson

AFFIDAVIT

My name is Nila Pittillo. I am an employee of Union Carbide Chemicals and Plastics Company, Inc. ("Union Carbide"), duly authorized to give this affidavit. I have read Union Carbide's answers to plaintiff's First Request for Production of Documents. They represent the corporate response of Union Carbide, and no single person has personal knowledge of all the information contained within them. With the assistance of counsel, I was involved in assembling this production of documents. The production is correct to the best of my knowledge, information and belief.

NILA PITTILLO

STATE OF TEXAS §
 §
COUNTY OF _____§

Sworn before me on the ____ day of September, 1990, by Nila Pittillo.

Notary Public, State of

Printed Name of Notary:

My Commission Expires: