

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ETTA WALLACE, personal	)	Case No. C 84-7864
representative of the Estate	)	[Hon. Nicholas J. Walinski]
of Fred A. Wallace, et al.,	)	
	)	RESPONSE OF DEFENDANT THE
Plaintiffs,	)	GOODYEAR TIRE & RUBBER
	)	COMPANY TO PLAINTIFFS'
vs.	)	INTERROGATORIES DIRECTED
	)	TO ALL DEFENDANT PVC
CHRYSLER PLASTIC PRODUCTS	)	<u>MANUFACTURERS</u>
CORPORATION, et al.,	)	
	)	
Defendants.	)	

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Now comes defendant The Goodyear Tire & Rubber Company,
and for its response to plaintiffs' interrogatories, states as
follows:

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

ANSWER: Yes

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

ANSWER: 1946

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

ANSWER: Yes

INTERROGATORY NO. 4: Indicate the percentage of all
PVC resin manufactured by you in calendar year 1967 that was the

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result of the following processes: (a) suspension; (b) emulsion; (c) bulk; or, (d) solution.

ANSWER:

Defendant objects to this interrogatory on the ground that it calls for information which is irrelevant and which is not likely to lead to development of relevant information. With respect to actual sales of PVC resin to Chrysler, such information is provided in the answer to Interrogatory 8 below.

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

ANSWER:

Defendant objects to this interrogatory on the grounds stated in 4 above.

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

ANSWER:

- (a) No record
- (b) No record
- (c) Yes
- (d) No record
- (e) Yes
- (f) Yes
- (g) Yes
- (h) Yes

- (i) Yes
- (j) Yes
- (k) Yes
- (l) Yes
- (m) Yes
- (n) Yes
- (o) Yes

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

ANSWER:

1969	10,000 lbs
1971	195,000
1972	1,199,330
1973	1,041,032
1974	680,700
1975	1,005,500
1976	1,720,550
1977	2,503,000
1978	1,978,800
1979	479,850
1980	315,900

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

ANSWER:

1969	Suspension	100%	
1971	Suspension	100%	
1972	Suspension	99.993%	Emulsion .007%
1973	Suspension	56.60%	Unknown-probably
	suspension	43.40%	

1974	Suspension	76.49%	Unknown-probably	
	suspension	23.51%		
1975	Suspension	77.57%	Emulsion .65%	Bulk 21.78%
1976	Suspension	64.75%	Emulsion 4.36%	Bulk 30.89%
1977	Suspension	31.93%	Emulsion 2.72%	Bulk 65.35%
1978	Suspension	36.08%	Bulk 63.92%	
1979	Suspension	100%		
1980	Suspension	82.27%	Emulsion 17.73%	

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

ANSWER: Yes

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

ANSWER:

- (a) Test for residual VCM in resin.
- (b) After stripping and after packaging.
- (c) Quality assurance laboratory at the plant of manufacture.
- (d) Results are no longer available for the 1967-1980 period except as indicated in the summaries attached in Response to Request for Production No. 5, Attachment 2.

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

ANSWER:

1969	Homopolymer	100%
1971	Homopolymer	100%
1972	Homopolymer	100%
1973	Homopolymer	100%
1974	Homopolymer	100%
1975	Homopolymer	88.11% Copolymer 11.89%
1976	Homopolymer	100%
1977	Homopolymer	100%
1978	Homopolymer	100%
1979	Homopolymer	100%
1980	Homopolymer	100%

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

ANSWER:

This is not determinable for the period in question. We do have a record of sales by year as indicated on documents produced in response to Plaintiff's Request for Production No. 1, Attachment 1.

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

ANSWER:

- (a) Not in those words. Material Safety Data Sheets indicated hazardous ingredients, fire and explosion hazard data and hazardous decomposition products.
- (b) Yes

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

ANSWER:

It is believed that Material Safety Data Sheets were supplied to Chrysler at various times. See sheets produced in response to Plaintiff's Request for Production No. 6, Attachment 3. See also customer notification letter dated May 8, 1974, produced in response to Request for Production No. 11, Attachment 4.

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

ANSWER:

- (a) Viola and Maltoni studies published in 1970 and 1973.
- (b) Central nervous system, respiratory tract irritation and skin irritation effects have been known from the time The Goodyear Tire & Rubber Company began using VCM in the late 40's.

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

ANSWER:

Resin was tested for residual VCM after stripping and after packaging.

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

ANSWER:

Goodyear is not a manufacturer of vinyl chloride monomer and has not conducted toxicological tests on the substance to determine carcinogenic potential. In 1974, Goodyear did participate in two studies which might possibly be relevant. One of these was an epidemiological study of vinyl chloride workers sponsored by the Manufacturing Chemists Association and the other was an epidemiological study conducted by Dr. Irving Selikoff of the Mt. Sinai School of Medicine, New York, New York.

INTERROGATORY NO. 18: Did Chrysler, at any time, ever ask you whether you were aware of any studies indicating that exposure or overexposure to vinyl chloride monomer posed any actual or potential human health hazard?

ANSWER: Not to our knowledge

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

ANSWER:

Developed new and more effective steam stripping techniques for stripping residual VCM from the latex.

INTERROGATORY NO. 20: State the full name, home address and business address of your employee who is most

knowledgeable concerning the residual concentrations of vinyl chloride monomers in the PVC resins manufactured by you between January 1, 1967 and December 31, 1980.

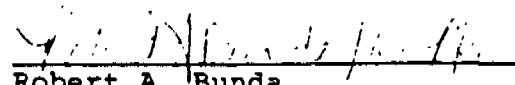
ANSWER:

No data exists for this time period except the documents attached in response to Request for Production No. 5, Attachment 2. The Goodyear employee most knowledgeable concerning residual concentrations of vinyl chloride monomer in PVC resins generally is Mr. D J Snyder, 3480 Stoney Point Road, Grand Island, New York 14072, The Goodyear Tire & Rubber Company, 5408 Baker, Niagara Falls, New York 14302.

AS TO OBJECTIONS:

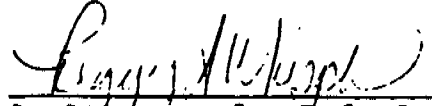
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and Occidental Chemical Corp.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses to Plaintiff's Interrogatories Directed to all Defendant PVC Manufacturers was mailed by United States mail, postage prepaid, to Kirk J. Delli Bovi, Esq., attorney for plaintiff, at his office located at Murray & Murray Co., L.P.A., 300 Central Avenue, Sandusky, Ohio 44870, and to defense counsel as set forth in the attached Schedule of Service this 24th day of October, 1986.


An Attorney for Defendants
The Goodyear Tire & Rubber
Company, The BFGoodrich
Company, Firestone Tire &
Rubber Company, Conoco,
Inc., Uniroyal, Inc., Union
Carbide Corporation, Diamond
Shamrock Corp., Tenneco,
Inc. and Occidental
Chemical Corp.

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AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF SUMMIT) SS:

John M. Ross, being duly sworn according to law,
deposes and says that he is the Assistant Secretary for the
Goodyear Tire & Rubber Company, defendant herein; that as such he
is authorized to make an affidavit on its behalf; and that the
facts set forth in the foregoing Response of Defendant Goodyear
Tire & Rubber Company to Plaintiff's Interrogatories Directed to
All Defendant PVC Manufacturers in this case are true and correct
to the best of his knowledge, information and belief.

John M. Ross

Sworn to and subscribed before me this 10 day of

January, 1986.

Susan B. Moore
Notary Public

SUSAN B. MOORE
Notary Public — State of Ohio
My Commission Expires June 6, 1989

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