

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

U. S. DISTRICT COURT
FILED AT HARRISBURG, PENNSYLVANIA

BARBARA CANTWELL CHRISTMAN,
et al.,

Plaintiffs,

v.

AMERICAN CYANAMID COMPANY,

Defendant.

THOMAS F. STAFFORD, CLERK

Civil Action

No. 80-0024-P

DEFENDANT AMERICAN CYANAMID COMPANY'S
THIRD SUPPLEMENTAL NONCONFIDENTIAL RESPONSES TO
PLAINTIFFS' FIRST INTERROGATORIES

Pursuant to Federal Rule of Civil Procedure 33, defendant provides the following Third Supplemental Responses to Plaintiffs' First Interrogatories.^{*/} Defendant also reasserts objections 3, 5, 6, and 7 of its First and Second Objections to Plaintiffs' First Interrogatories to the extent they apply to the material now being provided for the first time. A copy of these objections is attached hereto.

2. With regard to defendant's Willow Island facility: . . .

(b) For each such department, describe the nature of the operation(s) performed by that department and the products produced;

Answer: The information contained in the response to Interrogatory 2(b), except for information regarding the

^{*/} Assisting in the compilation of material used in the preparation of the responses to Plaintiffs' First Interrogatories were: J.C. Caporossi, R.J. Clay, W. Fead, G.E. Mercer, P. Shopene, J. Tobin, D.C. Wagner, C. Ballard and C. Johnson.

100

N41709

Stores, Power/Effluent and Maintenance Departments is confidential material that is subject to the provisions of the Protective Order governing discovery in this action.*/

Stores Department

The Stores Department is responsible for the receiving, storage, shipment and transportation of materials and supplies used or produced at the Willow Island Plant. Record keeping is essential to this function. The department operates the plant laundry. The transportation section of the department provides traffic services to the plant, operates plant truck-track scales and provides in-plant rail switching service with a trackmobile unit.

The Stores Department does not load, unload, or dry materials received or shipped in bulk. The department delivers effluent sludge to an approved sanitary landfill located on company property with a Dempster-Dumpster unit.

No products are produced in this department.

Power/Effluent Department (Buildings 97, 73 and 65)

The Power/Effluent Department produces or distributes all utilities used at the Willow Island plant. It also processes the waste water in the secondary treatment facility prior to discharge to the river. Electricity and natural gas are purchased from public utilities and distributed to the using departments by Power/Effluent. Facilities operated by this department also supply cooling tower water and chilled water to selected departments. The operation of plant refrigeration equipment is included among its responsibilities.

*/ The response to Interrogatory 2(b), except for information regarding the Stores, Power/Effluent and Maintenance Departments, is contained in a separate document that is filed under seal with the Court, pursuant to the Court's order of December 31, 1980.

The nature of the operations is further described as follows:

Steam is generated at 150 psi in two coal fired water tubed boilers and one gas/oil fired water tubed boiler.

Air is supplied at 50 psi by one (1) electrical centrifugal air compressor and five (5) steam driven reciprocating units.

Well water is supplied at 55 to 60 psi to the plant from two (2) Ranney collector wells and five (5) drilled wells.

Effluent - All process wastes and sanitary wastes, as well as storm water run-off, are treated in a primary and secondary treatment plant and then chlorinated prior to discharge to the outfall stream. Sludges are removed to an approved sanitary landfill.

No products are produced in this department.

Maintenance Department

This department is responsible for maintenance repair, modification and construction installation of plant operating facilities.

The facilities include: buildings; grounds; heavy equipment; roads; processing and service equipment; piping; electrical; instrumentation; and vehicles. No products as such are produced.

A central shop is used for sheet metal, machining, welding, instrument and electrical work and for storage of maintenance/construction materials. A local shop is provided in each operating department for work in that area. A separate building houses the carpenter and painter craft equipment and shops. A garage is used for vehicle maintenance.

No products are produced in this department.

- (c) For each such department, list each job and describe briefly the task and functions performed in each such job. In each instance,

state whether a line of progression exists, and, if so, list jobs in ascending order; . . .

Answer: The information contained in the response to Interrogatory 2(c), except for information regarding the Stores, Power/Effluent and Maintenance Departments is confidential material that is subject to the provisions of the Protective Order governing discovery in this action.^{*/}

Listed below are the current job titles and classifications for three of the Willow Island departments. During the 1965-1982 time period, job titles, classifications, and descriptions remained relatively constant. To the extent that documentation is available, changes in job titles or classifications are disclosed in Documents 51766 to 51875 which have been produced.

Stores Department
Building 77

<u>Job Title</u>	<u>Job Classification</u>
Warehouser	W-1
Laundry Attendant	W-3
Trackmobile Operator	W-3
Forklift Truck Operator	W-3
Waste Disposal Truck Operator	W-4
Receiver-Lift Truck Operator	W-4
Stockroom Assistant	W-4
Storekeeper	W-4
Shipper-Lift Truck Operator	W-5
Stores Services Operator	W-5
Stock Room Attendant	W-5
Shipper-Receiver	W-5
Stock Room Leader	W-6
Stores Services Shift Leader	W-6

^{*/} The response to Interrogatory 2(c), except for information regarding the Stores, Power/Effluent and Maintenance Departments, is contained in a separate document that is filed under seal with the Court, pursuant to the Court's order of December 31, 1980.

Power/Effluent Department
Buildings 65/73/97

Job Title

Labor
Coal Equipment Helper
Coal Equipment Operator
Boiler Operator Helper
Effluent Operator
Effluent Day Operator
Utility Operator
Power Facilities Attendant
Relief Operator
Powerhouse Operator

Note: In the Power/Effluent Department only job titles are used. There are no job classifications.

Maintenance Department
Buildings 77 and 84

Job Title

Maintenance Materials Operator
Construction Materials Operator
Painter - 2nd Class
Painter - 1st Class
Mechanic - 3rd Class
Mechanic - 2nd Class
Mechanic - 1st Class
Maintenance Labor
Helpers

Generally, employees are hired directly into the Painter and/or Mechanic classification. However, employees could progress from the Maintenance Labor classification to Painter and Mechanic classifications if they qualify in accordance with the provisions of the Working Agreement between the Company and the Union. There is no line of progression for the Construction Materials Operator or the Maintenance Materials Operator.

The normal line of progression for the above listed departments is step-wise from one job title to the next higher job title in accordance with the provisions of the Working

Agreements between the Company and the Union. All jobs are listed in ascending order.

Brief summaries of the tasks and functions of each of the jobs listed are contained in Attachment A.

- (e) For each department identified in response to Interrogatory No. 2(a), describe briefly any changes of its operations and in the products produced since 1965.

Answer: The information contained in the response to Interrogatory 2(e), except for information regarding the Stores, Power/Effluent and Maintenance Departments is confidential material that is subject to the provisions of the Protective Order governing discovery in this action.^{*/}

Since 1965 the answer is as follows:

Stores Department

- 1) In November 1977, a new flammable storage facility was installed for drummed material.
- 2) In 1978, an "Emergency Response Team" was formed to respond quickly to transportation emergencies involving Cyanamid material.
- 3) Building 77 previously housed Central Maintenance and the Stores Department. In October 1978, Central Maintenance moved and Stores now occupies the entire building.
- 4) Since February 1980, the plant refuse has been delivered to a landfill by outside contractor rather than plant employees.

^{*/} The response to Interrogatory 2(e), except for information regarding the Stores, Power/Effluent and Maintenance Departments, is contained in a separate document that is filed under seal with the Court, pursuant to the Court's order of December 31, 1980.

Power/Effluent Department (Buildings 97, 73 and 65)

- 1) In June 1977, a third final clarifier in the secondary waste water treatment plant was installed.
- 2) In August 1979, a 4,000 H.P. electric driven centrifugal air compressor was installed to increase capacity and save energy.
- 3) In July 1975, electrostatic precipitators on each of the two coal fired boilers were installed to reduce particulate emissions.

Maintenance Department

There has been no change in the nature of operations since 1965. In October 1978, Central Maintenance moved into a new plant facility dedicated solely to the maintenance function.

8. (a) Identify all documents which define, describe, or instruct in the implementation of any programs or policies in operation at defendant's Willow Island facility at any time since 1970 to monitor or protect the health and physical condition of its P & M employees; (b) describe each such program or policy; and (c) identify each person who participated in the decision to adopt or implement each such program or policy, specifying the role of each such individual in the decision-making process.

Answer: From 1970 to the present:

(i) (a) Corporate Medical Program of American Cyanamid

(b) This document contains medical policies and procedures of the Corporate Medical Department.

(c) Robert M. Clyne, M.D., Corporate Medical Director, January 1, 1970 to March 31, 1981 and H.M.D.

Utidjian, M.D., Corporate Medical Director, April 16, 1981 to the present.

(ii)(a) Lead in Blood Procedure Manual.

(b) This document sets out procedures for conducting analysis of blood lead levels pursuant to the biological (blood lead) monitoring program. The program involved monitoring of employee blood lead levels to insure that such levels are within acceptable limits.

(c) Mr. Robert Hagy, Director, Technical Laboratories, Willow Island.

(iii)(a) Corporate Industrial Hygiene Manual.

(b) This document contains corporate industrial hygiene standards which are relevant to the monitoring or protection of employee health. Subjects covered include respiratory protection and protective equipment.

(c) Mr. J. Caporossi, Director, Industrial Hygiene; Mr. W.V. Andresen, Director, Occupational and Environmental Services, Corporate Medical Department.

(iv) See also answer to Interrogatory 30, Part IB.

Copies of these documents are being produced pursuant to Request for Production 5.

27. With regard to each chemical identified in response to Interrogatory No. 25(c), d(v) or e(iii), state whether defendant has at any time since 1974 consulted directly or indirectly with, or retained, or obtained in any fashion the opinion or research of any expert with regard to the effects of any such chemical on the health or physical condition of humans, animals, or the offspring of either, or on defendant's ability (both technical and economic) to reduce the level of employees' exposure to such chemical. If so:

(a) Identify each expert, state his/her area of expertise including the chemical about which she/he

was consulted, and his/her professional qualifications and experience;

(b) State the date(s) on which defendant originally consulted or otherwise sought information from each;

(c) Describe what, if any, actions each such expert undertook in response to defendant's inquiry;

(d) Describe in detail the opinions, if any, given by each such expert in response to defendant's inquiry;

(e) Identify all documents relating to the consultation or stating, describing, containing or relating in any way to the opinions expressed by each such expert.

Answer: The answer for the period beginning in 1974 remains unchanged from Cyanamid's previous response to this interrogatory.

28. With regard to each chemical identified in response to Interrogatory No. 25(c), (d)(v), or (e)(iii), state whether defendant has, at any time since 1974, implemented any policies or procedures in any of its facilities designed to lower the exposure of employees to any such chemical. If so, for each chemical for which such a policy or procedure has been implemented:

- (a) Describe in detail the policy or procedure, and its purpose;
- (b) State each location where it has been implemented;
- (c) State the dates during which the policy or procedure was in operation at each location;
- (d) Describe in detail the results of the operation of the policy or procedure;

- (e) Identify all documents describing or relating to any such policy or procedure, its implementation, and its results.

Answer: See Objections 5 and 7. The answer for the period beginning in 1974 remains unchanged from Cyanamid's previous response to this interrogatory.

29. State whether defendant has at anytime since 1975 met, corresponded, submitted comments, requested waivers, testified, or communicated in any other fashion with officials of the United States Occupational Safety and Health Administration (OSHA) about any policy identified in response to Interrogatory No. 25, or about OSHA's proposed or final standard for occupational exposure to lead. If so:

- (a) Describe each such communication in detail, indicating with particularity the nature and purpose of each;
- (b) Identify all persons who were present at any meetings or who participated in conversations, telephonic or otherwise, and identify all documents containing, describing or relating to each instance;
- (c) State the date(s) on which each such communication occurred.

Answer: (a-c):

(i) Meeting at OSHA Regional Office in New York, November 10, 1977. The defendant was represented by Dr. Robert Clyne, Mr. J. C. Caporossi, Mr. D. B. Pearce, Dr. C. B. Shaffer, and Mr. B. Reid. OSHA was represented by Mr. Barden, Regional Director; Mr. Karney, Technical Support Person; and Mr. Jeremias, Area Industrial Hygienist. NIOSH was represented by Dr. J. Messite and Ms. Parker. OSHA representatives received copies of the policy and the chemical exposure limits,

and had an opportunity to ask questions concerning the policy which were answered by defendant's representatives.

(ii) Defendant submitted comments on the proposed OSHA Lead Standard, 40 Fed. Reg. No. 193, Friday, October 3, 1975. The comments were submitted by letter dated December 11, 1975 from Mr. J. C. Caporossi to Docket Officer, Docket H-004, U. S. Department of Labor.

The letter commented on the following elements of the proposed standard: the action level; the permissible exposure limit; the requirements for initial determination; the required accuracy of measurement; the methods of compliance, engineering and work practice controls; and the start-up dates.

(iii) Defendant has had numerous contacts with OSHA in connection with proceedings in Marshall v. American Cyanamid Co., OSHRC Docket No. 79-5762, and Marshall v. American Cyanamid Co., No. 79-2438, Region III.

(iv) Letter from Dr. R. M. Clyne, Corporate Medical Director, to Dr. P. S. Infante, Director, Office of Carcinogen Identification and Classification, OSHA, June 18, 1979. That letter explained the corporate policy of excluding women of childbearing potential from working in areas where concentrations of certain chemical compounds, based on internal Cyanamid standards, could not be reduced to a level regarded as safe for unborn children.

(v) Two meetings were held with the Department of Labor, Philadelphia Branch, regarding complaints filed against American Cyanamid pursuant to section 11(c) of the Occupational Safety and Health Act of 1970. Details of these meetings are provided in the response to Interrogatory 22.

Note: All other written communications have been produced pursuant to Request 6. For documents describing or relating to the listed communications see response to Request 6 of Plaintiffs' First Request for Production of Documents and documents copied or otherwise produced pursuant to that



request. Defendant therefore objects to providing any additional identifying information with respect to such documents as being unnecessary and unduly burdensome.

30. To the extent not provided in response to Interrogatory No. 28, describe specifically what efforts, if any, defendant has undertaken since 1974 to reduce the level of employee exposure to lead in the Pigments Department of its Willow Island facility and what efforts it has undertaken to comply with the OSHA standard regulating occupational exposure to lead (43 Fed. Reg. 52952), and identify all documents describing or relating to any such effort.

Answer: Part I: Efforts to reduce employee exposure to lead in the Pigments Department at Willow Island since 1974.

A. The following engineering controls have been implemented by Willow Island since January 1974, (other efforts had, of course, been undertaken prior to that time):

1. Vacuum cleaning station (for contamination removal from clothing).
2. Employee clean-up station; vacuum system.
3. Central vacuum (consisted of two systems; one for yellow and orange and one for green).
4. Dust collector and operating ductwork (for Green bagger and blender).
5. Dust collector and ventilation ductwork (for Yellow drumming hood).
6. Screw conveyor (from dust collector to Green blender).
7. Modifications to dust collector duct (Green dust collector discharge).
8. Exhauster (replacement for dust collector).
9. Replacement motor for vibrator.
10. Replace Exhaust Enclosure (Litharge).

11. Airslide Conveyors (for large Yellow dust collector).
12. Sump Pump (beneath lead towers).
13. Separate circuit for dust collector vibrator.
14. Ventilation ductwork (on Green Make Tubs).
15. Vacuum cleaner (for warehouse 86).

B. The following administrative procedures and controls have been implemented or in effect since 1974. With the exception of those documents specifically identified in this Part IB, all documents referred to in the response to this interrogatory have been produced for inspection and copying, and have been copied by plaintiffs, pursuant to Plaintiffs' First Request For Production of Documents. Defendant therefore objects to providing any additional identifying information with respect to those documents that have been copied by plaintiffs as being unnecessary and unduly burdensome. All documents are maintained at the Willow Island facility.

1. New Employee Safety Indoctrination Program.
Safety Indoctrination of New and Returning Employees. C. A. Buttrey, author.

Synopsis: Outlines program for safety indoctrination of new and returning employees.

2. Monthly and Bi-monthly Safety and Hygiene Programs. See Document Nos. 00135-00407.^{*/}

3. Special Review Program, for employees with high blood lead, or who fail to follow procedures or do not have clean habits. See documents produced in response to Request 19,^{**/} Respondent's Exhibit R-10.

^{*/} Document numbers refer to documents produced for inspection and copying, and which have been copied by plaintiffs, pursuant to Plaintiffs' First Request for Production of Documents.

^{**/} Request 19 of Plaintiffs' First Request for Production of Documents.

4. Annual issuance of Lead Chromate and Lead Nitrate Hazard Sheets. See Document No. 01147.
5. Training on Correct Care of Respirators.
6. Issuance of Work Habits Handbook. See Document No. 01127.
7. Job Safety Analyses re Lead Products. See Document Nos. 00061-69.
8. Film "The Way To Life," on need, purpose, and operation of respiratory protection program.
9. Color Slide Presentation, Respiratory Fitting, Monitoring, Housekeeping, and Total Hygiene Care. See documents produced in response to Request 19, Respondent's Exhibit R-18.
10. Instructions on Hazards of Handling Lead. See documents produced in response to Request 19, Respondent's Exhibits R-30-34.
11. Training re Lead Chromates Hazards and Hygiene. See documents produced in response to Request 19, Respondent's Exhibit R-29.
12. Housekeeping film.
13. New Employees Orientation Program, see Document Nos. 00942-45, which included:
 - a. Issuance of Chrome Pigment Hygiene Rules. See Document No. 00036.
 - b. General Hygiene and Safety Information for Lead Chromate Pigments, Molybdate Orange, Chrome Yellow and Chrome Green. See Document Nos. 00035, 00952.
 - c. Instruction on Selection and Use of Respirators. See Document No. 00039.
 - d. Employee Lead Chromate Information Program. See Document Nos. 00946.

e. Pigments Department, General Safety Rules and Regulations. See Document Nos. 00038-00040.

f. New Employee Orientation Program, Pigments Department. See documents produced in response to Request 19, Respondent's Exhibit R-12.

14. Industrial Housekeeping Training Program. Safe Practices Series, Leaders Guide, Industrial Housekeeping. Prepared by E. I. duPont Corp.

Synopsis: Materials for leaders of Industrial Hygiene Training Program.

15. Personal Safety Equipment Inspection Program. See documents produced in response to Request 19, Respondent's Exhibit R-20.

16. Inorganic Pigments Department Respiratory Protection Program. See Document Nos. 01122, 01410, 01411, 00952, 00958-60, and documents produced in response to Request 19, Respondent's Exhibit R-18.

17. Industrial Hygiene Manual - Safety Standard No. 6 -- Respiratory Protection.

18. See also answer to Interrogatory Nos. 6(c) (iv), and (e) regarding lead and its compounds.

19. Defendant also monitored employee blood lead levels. See answer to Interrogatory 8. The results of this program were utilized to insure that employee exposure remained within acceptable levels.

All documents are maintained at the Willow Island facility.

Part II. Compliance with OSHA Lead Standard, 43 Fed. Reg. 52952.

See Objections 5 and 7. The Willow Island facility was in compliance with OSHA standards by the utilization of engineering controls, administrative controls, and a protective equipment program.



Documents relating to defendant's effort to comply with the above cited OSHA standard include:

1. Memoranda from Mr. G. R. Kunkle to Mr. F. Brown: Lead Exposure Standard Compliance Program; April 9, 1979; May 8, 1979; May 31, 1979; July 12, 1979; August 2, 1979; August 21, 1979; September 10, 1979, and October 2, 1979.

Synopsis: Summarizes status of compliance efforts at Willow Island.

2. Memorandum from Dr. R. M. Clyne to All Divisional Presidents and Directors, All Plant Managers and All Plant Physicians: Revised--New Standard for Lead. December 21, 1978.

Synopsis: Summarizes medical surveillance aspects of Lead Standard.

3. Memorandum from Dr. J. S. Tobin to Full and Part-time Physicians, Plant Managers, Distribution Center Managers: OSHA Lead Standard. March 20, 1979.

Synopsis: Summarizes occupational health aspects of the Standard.

4. Memorandum from J. S. Tobin, M.D. to Distribution: OSHA Lead Standard Partial Stay. March 5, 1979.

Synopsis: Notifies distributees of sections of order pertinent to Cyanamid's medical program.

5. Memorandum from G. R. Koehler to W. A. Fead: OSHA Lead Standard. November 17, 1978. Synopsis: Notes issuance of OSHA Lead Standard and summarizes provisions regarding permissible exposure limits.

6. Memorandum from W. A. Fead to H. C. Gaffney and J. E. White: New Lead Standard -- Effective February 1, 1979. January 11, 1979.

Synopsis: Summarizes provisions of Standard regarding respirators and protective clothing.

7. Memorandum from J. L. Noe to C. A. Buttrey, E. C. Carman, R. E. Greenleaf, R. W. Hagy, B. D. Hewitt, J. E. Knapp, F. G. Lamp, and G. E. Mercer:

Compliance With OSHA Lead Standard. January 30, 1979.

Synopsis: Sets out program for compliance with Standard.

8. Memorandum from G. R. Kohler to Distribution:
OSHA/Lead Standard. March 7, 1979.

Synopsis: Notes granting of partial stay of the Standard and outlines sections of Standard effective March 1, 1979.

9. Lead and Lead Products Handling Training Program. C. A. Buttrey - July 26, 1979.

Synopsis: See Document No. 01160.

Cyanamid has identified all documents of which it is aware relating to its efforts to comply with OSHA Lead Standard at its Willow Island facility during the period in which lead compounds were in use at that facility. Documents relating to efforts to comply with that Standard after the closing of the Pigments Department at Willow Island are not relevant to this litigation.

31. With regard to each chemical identified in response to Interrogatory No. 25(c), (d)(v), or (e)(iii) which is present in the Willow Island facility:

(a) Identify all documents circulated or made available to employees at the Willow Island facility at any time since 1974 about the effects or potential effects of exposure to each such chemical on human health or physical condition;

Answer: Since 1974 the answer is as follows:

1. Aniline

- a. Chemical hazard sheets that state safety and health hazards, fire and explosion hazards, and storage requirements.
- b. Chemical Safety Data Sheet M.C.A. - Outlines properties and essential information for safe handling and use.
- c. M.C.A. Chem-Card-Transportation emergency guide.
- d. Operating Instructions and Log Sheets All operating instructions contain stepwise procedures, safety and caution notes on material hazards, contact precautions, protective equipment requirements and fire and explosion hazards.
- e. Job Safety Analysis - Provides stepwise procedure to point out potential hazards and corrective measures for each process step.

2. Benzene

- Same as aniline items a. through e.
- f. Letter dated April 15, 1977 to all Catan Department Personnel regarding benzene monitoring program and recommended NIOSH exposure guideline.
- g. Handling Training Program.

3. Dimethyl Aniline

Same as aniline items a., d., and e.

4. Dimethyl Sulfate

Same as aniline items a., b., d., and e.

5. Lead

- Same as aniline items a., b., d., and e.
- f. Lead and Lead Products Training Program.