

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

LLOYD TURNER AND	:	
ELMA TURNER,	:	
	:	
Plaintiffs,	:	CAUSE NO. 87-2779-H
	:	
vs.	:	
	:	
ARMSTRONG WORLD INDUSTRIES,	:	
INC., ET AL.,	:	
	:	
Defendants.	:	

RESPONSE OF PITTSBURGH CORNING CORPORATION TO
PLAINTIFFS' INTERROGATORIES

GENERAL OBJECTION

This Defendant manufactured an asbestos thermal insulation product, UNIBESTOS, from July 1, 1962 to February 1, 1972. Unless otherwise stated in answer to specific interrogatories, the responses herein shall be limited to such product and time period. This Defendant objects to providing answers for any other period of time on the grounds that such additional information sought is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence and, furthermore, could be burdensome, expensive and harassing to comply with.



The mineral asbestos may be found in a wide variety of product forms, including ceiling tiles, floor tiles, gaskets, gloves, mastics, protective aprons, protective matting, etc. This Defendant objects generally to these interrogatories as vague, overly broad, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence so far as they relate or refer to unidentified asbestos-containing products or materials and will limit its answers as stated above.

This Defendant states that there never existed a predecessor corporation with respect to Defendant; further, Defendant states that its answers to any interrogatory herein relate only to this Defendant and are not to be construed to imply the existence of a predecessor corporation.

INTERROGATORIES

1. Please state the name, address and job title of each person who supplied information used in answering these interrogatories.

RESPONSE: Robert E. Buckley (Retired) Consultant
Former Vice President and Assistant to the
President
800 Presque Isle Drive
Pittsburgh, Pennsylvania 15239
(412) 327-6100

2. State whether you are a corporation, if so, the correct corporate name, state of your corporation, the address of your principal place of business.

RESPONSE: This Defendant, Pittsburgh Corning Corporation, is a corporation.

800 Presque Isle Drive
Pittsburgh, Pennsylvania 15239

3. Describe the corporate history of this Defendant.

RESPONSE: This Defendant objects to this interrogatory on the basis that it is overly broad, vague and ambiguous and is not calculated to lead to the discovery of admissible evidence.

4. Has Defendant, Defendant's predecessor or any of Defendant's subsidiary companies at any time engaged in the marketing, distribution, and/or sale of any commercial and industrial products containing asbestos fibers.

RESPONSE: Yes, with respect to "marketing."

5. If the answer to the previous question is in the affirmative, please state as to each affirmative answer the following:

(a) The name of the company manufacturing, mining, marketing, distributing or selling such products.

RESPONSE: Pittsburgh Corning Corporation.

(b) The trade or brand name of each such product mined, manufactured, and/or marketed.

RESPONSE: Unibestos pipe insulation.

(c) The date each of such products was placed on the market.

RESPONSE: Not applicable to this Defendant. This Defendant manufactured and sold Unibestos for the first time on July 1, 1962 the day following its purchase of selected assets and facilities from Union Asbestos and Rubber Company (UNARCO) which it then utilized in the manufacture of Unibestos. This Defendant does not have specific knowledge as to when Unibestos was first commercially sold, however, this Defendant believes the product was first sold by UNARCO as early as 1954. Further, this Defendant has no knowledge with respect to

UNARCO's actions concerning the designing, developing, testing and packaging of the product during and after the product's introduction into the market. Production of Unibestos by this Defendant ceased February 1, 1972.

(d) The date each of such products was withdrawn from the market.

RESPONSE: See c., above.

(e) A description of the physical (chemical) composition of each such product or material including the type of asbestos contained in each product (e.g. amosite, chrysotile, or crocidilite) and the quantitative percentage of asbestos in each product.

RESPONSE: Because authentic, reliable production records of the precise percentages of components in Unibestos cannot be found in this Defendant's files, and because the quantity of each component varied from one wall thickness and inner diameter to another, the information requested in this interrogatory concerning quantities of components can only be based on the following approximations:

Average Percentage per Unit Volume

Amosite fiber	6%
Sodium Silicate and Diatomaceous Earth	17%

6. Before placing your asbestos-containing products or materials or substances on the market, did you make or cause to be made, any studies to determine whether your products would be hazardous to people? If so, please state the date of said studies and what studies were done.

RESPONSE: Not applicable to this Defendant. See response to Interrogatory No. 5,c.

7. Describe how the products listed in Interrogatory No. 5 were cut, shaped, scribed, mixed, applied and used on the job.

RESPONSE: This Defendant supplied Unibestos in ready-to-use rigid half cylinders, to be fastened to the outside surface of a pipe with two bands of wire or metal. The end of an occasional piece might need to be trimmed to achieve a tight fit.

(a) Based upon the material contents of your products, the method of manufacturing, and the method of application for the purpose of which it was intended, can your asbestos products or materials be generally applied or used, by a person using the product without creating dust?

RESPONSE: Yes.

8. Before releasing your asbestos-containing products or materials listed in Interrogatory No. 5 to the public for sale, were any tests conducted on same to determine potential health hazards involved in the use of materials containing therein?

RESPONSE: Not applicable to this Defendant. See response to Interrogatory No. 5, a.

9. If so, please state:

(a) The name, address, and job classification of each individual who conducted such tests and the results of such tests.

RESPONSE: See response to Interrogatory No. 8.

9. Do any written memoranda, specifications, recommendations or any other written materials of any kind or character relating to the potential health hazards of said asbestos-containing products or materials exist?

(a) If so please list each such written material or document, the person who presently is in possession of such documents, and where such documents are located.

RESPONSE: Unknown. See response to Interrogatory No. 5,a.

10. Has Defendant, Defendant's predecessors or any of Defendant's subsidiary companies at any time, publish and/or distributed any brochure, pamphlets, packaging or any other written materials of any kind or character that contained warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of products listed in Interrogatory No. 5.

(a) If so, please state the wording of such warnings.

(b) The date such warning was issued.

(c) Whether any such warning accompanied any of your asbestos-containing products or materials, sales literature, handout or pamphlets.

RESPONSE: Beginning in November 1968, this Defendant caused a 5-inch by 3-inch notice to be printed in red on all cartons containing Unibestos. The notice read as follows: "This product contains asbestos fibers. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by U.S. Bureau of Mines." A copy of the warning label is attached. Further, in or about 1968, this Defendant participated in the distribution by mail and by hand of the National Insulation Manufacturers Association (NIMA) booklet to distributors describing precautions to be observed when handling, applying, removing or ripping out asbestos thermal insulation products. A copy of the NIMA booklet is attached.

11. Did Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies receive notice before 1968 that any person was claiming an injury as a result of

using asbestos containing products, manufactured, and/or sold or marketed Defendant, Defendant's predecessor or any of Defendant's subsidiary companies.

(a) If so, please state the name and address of each claimant.

(b) The date or notice of each claim.

RESPONSE: No, to the best knowledge, information and belief of this Defendant.

12. Please state whether or not Defendant, Defendant's predecessor, or Defendant's subsidiary companies, ever conducted any test in the field (i.e., where the asbestos-containing products of Defendant, Defendant's predecessor, or Defendant's subsidiary companies, were being applied, removed or used) to determine the nature and extent of asbestos fiber exposure to insulators, applicators or fellow employees working in the vicinity thereof.

RESPONSE: No. This Defendant states that it had no control of or access to job sites or job site workers and the numerous job site variables known only to and capable of being affected only by insulation contractors, their employees or the employees'

union. Therefore, this Defendant did not undertake or finance tests or studies at job sites.

13. Please state whether or not Defendant, Defendant's predecessor, or Defendant's subsidiary companies ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health.

(a) If so, please state when Defendant, Defendant's predecessor, or Defendant's subsidiary companies first became aware of the hazardous potential of asbestos dust and asbestos fibers.

(b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained.

RESPONSE: This Defendant objects to this interrogatory on the basis that it is overly broad, vague and ambiguous and is not calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it is unable to state when it knew of any particular

health hazard presently alleged to be associated with asbestos exposure. However, beginning perhaps as early as 1965 this Defendant gradually became aware of news media reports being circulated which indicated large amounts of certain types of respirable asbestos fibers inhaled over a long period of time under certain conditions might be related to adverse health consequences. This Defendant's awareness related mainly to manufacturing environments.

14. Identify all physicians, industrial hygienists, or other employees (including their name and addresses) who were employed, retained or otherwise engaged by Defendant, Defendant's predecessor, or Defendant's subsidiary companies for research, investigation or study concerning asbestos or asbestos-related disease.

RESPONSE: Not applicable to this Defendant.

15. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to the Defendant,

Defendant's predecessor, or Defendant's subsidiary companies pertaining to the risk or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom and to who such recommendations and/or suggestions were made and the substance of each recommendation.

RESPONSE: In or around January, 1969, this Defendant's medical consultant stated that the suspected connection, in certain circumstances, between certain types of asbestos and certain adverse health consequences suggested the possibility that the asbestos in Unibestos could perhaps eventually lead to adverse health consequences. This Defendant's medical consultant further suggested: The use of a warning label with the product; that the NIMA pamphlet be circulated; and that efforts be made to find a substitute for asbestos in Unibestos. All of said "suggestions" had already been accomplished or initiated by Defendant.

16. Please state whether or not Defendant, Defendant's predecessor, or Defendant's subsidiary companies at any time have been members of any trade organizations or trade associations composed of other manufacturers, miners, sellers, or distributors of asbestos products, and if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications listed or written by such association or organization.

RESPONSE: No. However, this Defendant was, at various times, a member of National Insulation Manufacturers Association (NIMA) some, but not all, of whose members were in the asbestos product business.

17. Does Defendant's products previously contain asbestos now perform satisfactorily without asbestos?

RESPONSE: This Defendant cannot respond correctly to this interrogatory in its present ungrammatical form.

18. Has Defendant, Defendant's predecessors, and/or Defendant's subsidiary companies, at any time, enter into a "rebranding" agreement with any other company, either as a buyer or seller, concerning asbestos materials?

RESPONSE: No.

19. State the name of all expert witnesses you intend to call at the trial of this case as well as the name, address and job classification of each such expert.

(a) The testimony to be given by each such expert witness.

RESPONSE: Expert witnesses have not yet been determined. Counsel will be timely notified when such determination is made.

20. State the name, present address and present telephone number along with the experience and qualifications, if applicable, of each and every person, known to the Defendant or to the Defendant's agents having knowledge of relevant facts of this case.

RESPONSE: Objection, this interrogatory is overly broad, burdensome, nonspecific and attempts to shift the burden of defining what is relevant to this case to the Defendant. Thus this request exceeds the scope of Rule 26, Fed. R. Civ. Procedure.

BY M. Denise Moretz
M. Denise Moretz
Attorney for Defendant
Pittsburgh Corning Corporation

BAKER, WORTHINGTON, CROSSLEY,
STANSBERRY & WOOLF
Bank of East Tennessee Bldg.
900 Gay Street, Suite 2200
P.O. Box 1792
Knoxville, Tennessee 37901
(615) 549-7000

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of Response of Pittsburgh Corning Corporation to Plaintiffs' Interrogatories has been served upon the following counsel for parties in interest herein by delivering same to the offices of said counsel, or by mailing same to the offices of said counsel by United States mail with sufficient postage thereon to carry the same to its destination.

Lisa A. Blue, Esq.
Baron & Budd
8333 Douglas Avenue, 10th Floor
Dallas, Texas 75225

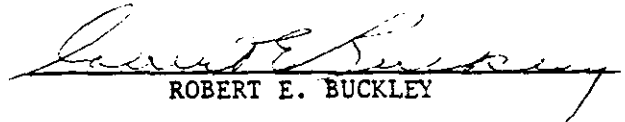
This the 17 day of August, 1988.

M. Denise Morey
Attorney

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

BEFORE ME, the undersigned authority in and for said Commonwealth and County, personally appeared ROBERT E. BUCKLEY, who being duly sworn, deposes and says that he is the former Vice President and Assistant to the President of Pittsburgh Corning Corporation, that he is currently a Consultant to the Company, that he is authorized to make this affidavit on its behalf, and that the facts contained in the foregoing Response to
Interrogatories are true and correct to the best of his knowledge or information and belief.


ROBERT E. BUCKLEY

SWORN TO and subscribed before me
this 2nd day of August, 1988.


Notary Public

GENE H. RENZIEHAUSEN, NOTARY PUBLIC
PLUM BOROUGH, ALLEGHENY COUNTY, PA
COMMISSION EXPIRES AUGUST 8, 1989

THIS PRODUCT CONTAINS ASBESTOS FIBER

IF DUST IS CREATED WHEN THIS PRODUCT
IS HANDLED, AVOID BREATHING THE DUST.

IF ADEQUATE VENTILATION CONTROL IS
NOT POSSIBLE, WEAR RESPIRATOR APPROVED
BY U.S. BUREAU OF MINES.

**RECOMMENDED
HEALTH SAFETY
PRACTICES**

*For Handling
And Applying
Thermal
Insulation Products
Containing
Asbestos*

nima
NATIONAL INSULATION MANUFACTURERS ASSOCIATION

INTRODUCTION

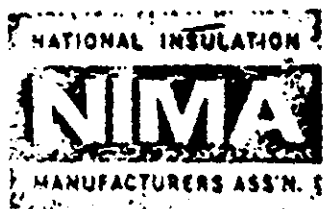
The modern mass production of hundreds of natural and synthetic materials, such as asbestos, has brought the need to protect workers from certain health risks, known or suspected.

Manufacturers of Thermal Insulation Products containing asbestos have for years been taking protective measures to eliminate excessive exposures to inhalation of dusts that may be injurious.

Based on the fact that all materials can be handled safely, the National Insulation Manufacturers Association recommends the following practices for handling and applying Thermal Insulation Products containing asbestos and/or other potentially injurious materials to protect the worker.

Insulation contractors and applicators are urged to study these recommended practices carefully and to see that they are observed by all workers handling insulation materials. As with Safety Regulations, it is in the interest of both employer and employee to see that health protection practices are strictly observed.

Prepared By
COMMITTEE ON SAFETY AND HEALTH



CONTENTS

INTRODUCTION	2nd COVER
HOUSEKEEPING	4
PIPE AND BLOCK INSULATIONS	5-8
CEMENTS	8-10
SPRAYING OF THERMAL INSULATION	11-12
STRIPPING OF THERMAL INSULATION	13-14
RESPIRATORY EQUIPMENT	15

FOR HEALTH SAFETY'S SAKE

Three major points to keep in mind in the handling and use of materials containing asbestos:

- Take every precaution to keep dust to a minimum.
- Wear U.S. Bureau of Mines-approved Respirators when exposed to excessive dusts. (See Page 15)
- Maintain good housekeeping at all times.

HOUSEKEEPING

An organized housekeeping program should be maintained in all areas and on all operations at all times.

A major source of excessive airborne dust is from loose materials, scrap and debris distributed throughout the job area and disintegrated by trampling on, running over, etc. Much of the airborne contamination can be eliminated by exercising simple good housekeeping practices.

Specific standards and practices designed for providing safe, clean and orderly working conditions should be defined.

Efficient supervisory control, planning of systematic cleaning plus day to day follow-up are the basic requirements for dust control and injury prevention.

PIPE AND BLOCK INSULATIONS

Warehousing. Storage and Handling

Under normal conditions, the handling, storage and warehousing of undamaged cartons of pipe and block insulations, containing asbestos, present no health safety problems. If cartons are broken or materials damaged while insulation is being handled, the following steps should be taken:

- 1 If spillage occurs, debris should be cleaned up immediately. Repack usable materials.
- 2 Care should be taken to avoid generating dust when piling, stacking or placing pieces into containers.
- 3 When cleaning spillage, vacuum equipment is recommended for picking up dust and small particles.
- 4 If large quantities of spillage occurs and cleaning involves sweeping and/or shoveling that could create excessive airborne dust, *Respirators should be worn.
- 5 Only usable material should be returned from the job site to the warehouse.
- 6 When returning material from the job site, clean dust and debris off cartons. Repack odd lot pieces. Close cartons.

*If worn of Minto-approved respirators. See page 18.

**Fabrication in
Warehouse and
Job Site Shops**

- 1 Open and remove the material from cartons with care.
- 2 Handle and stack pieces of material in a manner that will avoid generating dust and breakage.
- 3 Mechanical dust collecting systems adequately designed to remove dust at the source should be installed on power-operated, fixed and portable equipment in the warehouse shop and/or in the job site shop.
- 4 All machines should be furnished with suitable waste containers for the collection of scrap and waste to prevent the material from falling on the floor and generating dust.
- 5 Shop-fabricated pieces of Thermal Insulation such as fittings, segments, etc., should be placed in containers. Care should be taken when handling these pieces during piling, stacking and packing.
- 6 Containers should be closed after packing and remain closed until the material is used.

Application Procedures

- 1 Unpacking and application of the material should be done in a manner that will minimize airborne dust.
- 2 Avoid dropping, throwing or unnecessary rough handling of insulation materials.
- 3 Keep floors and surfaces clean of scrap, shavings and debris. Put unusable material into waste containers immediately.
- 4 Hand sawing, cutting, jacket stripping, etc. should be done in a manner that will create minimal airborne dust. Use of proper methods and tools will help considerably towards dust abatement.
- 5 When working in confined spaces, portable dust collectors or exhaust blowers should be provided to remove dust from the source.

(Continued on Next Page)

Application Procedures (Cont'd)

- 6 If conditions prevent collecting or exhausting dust from the source, use exhaust blowers to provide general room air changes.
- 7 Avoid exhausting into other working areas.
- 8 In confined spaces, if mechanical exhaust equipment cannot be used, *Respirators should be worn.
- 9 When wiring or bunding insulation and applying jackets or facings, care should be taken to avoid generating excessive dust, using the precautionary measures described above.
- 10 Surplus usable materials should be placed in cartons, which should be closed and returned to the warehouse.

*Bureau of Mines-approved respirators. See page 13.

CEMENTS

Warehousing, Storage and Handling

Handling and storage of closed bags containing cements do not present health safety hazards provided bags are unopened and not broken.

- 1 When unloading railroad cars and trucks, if there is excessive loose material resulting from opened or broken bags, *Respirators should be worn during clean-up and unloading.
- 2 Spillage should be cleaned up and open or broken bags repacked, resealed or discarded immediately to prevent distribution of dust into other areas.
- 3 If bags are damaged and spillage occurs in the warehouse, material should be cleaned up immediately to prevent distribution into other areas. Vacuum equipment is recommended for this cleaning.
- 4 If large quantities of spillage occurs and cleaning involves sweeping and/or shoveling that could create excessive dust, *Respirators should be worn.

*Bureau of Mines-approved respirators. See page 13.

Application of Cements

Opening, dumping and discarding of bags should be done with the utmost care to avoid generating excessive dust.

- 1 Open the bag wide enough to empty without shaking.
- 2 When dumping, keep bag on the mortar box mixing level to avoid dropping.
- 3 Do not shake bags.
- 4 Place empty bags in a container, wet down contents, and discard.
- 5 Mixing area should be well ventilated but free from heavy drafts that will cause dry material to become airborne.
- 6 Material should be mixed in a mortar box, pail or tub and not on the floor.
- 7 Wet the material and mix into a slurry as quickly as possible.
- 8 When mixing cement in a confined space where proper ventilation is inadequate, *Respirators should be worn.

Cleaning

- 1 Bag breakage, cleaning up dry cement and discarding bags at the mixing area should be done in the same manner as recommended under *Warehousing, Storage and Handling*.
- 2 Wet down tools, mortar boxes, wheelbarrows, mixing containers, and any spillage before scraping and cleaning.
- 3 Cements should be handled wet whenever possible. Wet material will create no dust problem.

*Bureau of Mines approved respirators. See page 18.

SPRAYING OF THERMAL INSULATION

Spraying Areas

Spraying of Thermal Insulation Products containing asbestos requires special precautionary measures. Refer to the Sprayed Mineral Fiber Manufacturers Association for Sprayed Fiber Application Practices.¹

- 1 The equipment and machinery to be sprayed should be shielded by adequate wind breaks and, where practicable, drop cloths to prevent excessive dust and contamination in adjacent areas.
- 2 Workers not engaged in the spraying operations should wear *Respirators when entering an area within 15 feet of the spraying machine, nozzle or equipment.
- 3 Where Sprayed Fiber Application Practices cannot be followed and excessive airborne dust is generated, it is recommended that portable mechanical exhaust ventilation be used to remove airborne dust. Exhaust must be located to avoid contamination of other occupied areas.

Application

- 1 All personnel in the immediate area engaged in the machine feeding and spraying operation should wear *Respirators, whether in confined or open areas, ventilated or not ventilated.
- 2 *Respirators should be worn after the spraying operation has been concluded and until the generated dust concentration has cleared.

¹ *Handbook of Practices, written by Executive Secretary, Sprayed Mineral Fiber Manufacturers Association, P.O. Box 623, Westfield, New Jersey 07090.*

*Bureau of Mines approved respirators. See page 18.

Other Workmen

All personnel not involved with the machine feeding and spraying operation should be kept from the spraying area until the generated dust concentration has cleared.

Cleaning

- 1 Spillage and excess spraying materials should be cleaned up immediately after spraying operations have been completed.
- 2 Settled dust and fly material should be removed from all surfaces to avoid airborne contamination. Vacuum cleaning is recommended for this purpose.
- 3 Scrap spray material should be wet down and placed in closed containers for disposal.
- 4 Tools, ladders, etc. should be cleaned wet.
- 5 Avoid brushing, sweeping and shoveling dry material whenever possible.
- 6 *Respirators should be worn during clean-up.

*Bureau of Mines-approved respirators. See page 15.

STRIPPING OF THERMAL INSULATION

Stripping Area

Careful work methods, use of proper tools, and wetting down will minimize excessive dusts in stripping operations.

- 1 The area in which stripping takes place should be confined by means of curtains, portable partitions, etc., to prevent excessive dust contamination in adjacent areas.
- 2 If area cannot be confined, only workmen engaged in stripping should be permitted in the work location.

Stripping and Tearing Off

- 1 All personnel in the stripping area engaged in tearing off, handling, cleaning and disposing of material should wear *Respirators.
- 2 Where circumstances permit, materials should be wetted down prior to and during removal.
- 3 Where applicable, portable mechanical exhaust ventilation should be used to remove airborne dust.
- 4 Avoid unnecessary re-handling of scrap.

(Continued on Next Page)

*Bureau of Mines-approved respirators. See page 15.

for additional copies, write:

Executive Secretary
National Insulation Manufacturers Association, Inc.
444 Lexington Avenue, New York, N.Y. 10017

Stripping of Thermal Insulation (cont'd)

Stripping and Tearing Off (cont'd)

- 5 Locate truck, dumpster bucket or final disposal equipment as close to stripping site as possible.
- 6 Wet down scrap material before shoveling, hauling or dumping.
- 7 Do not permit accumulation of scrap and debris on floor and other surfaces.
- 8 Vacuum equipment is recommended for cleaning up during and after stripping.

Other Workmen

- 1 Personnel not involved in the stripping and tearing off operation should not be permitted in the stripping area.
- 2 If it is essential for other workmen to be in the work area, *Respirators should be worn by them.

*Bureau of Mines-approved respirators. See page 15.

RESPIRATORY EQUIPMENT

Only U.S. Bureau of Mines-approved respiratory equipment is recommended for use with asbestos, silica and other pneumoconiosis-producing dusts. Approved respiratory equipment must be used at all operations where dust control is not sufficient to maintain airborne dust concentration within allowable limits for asbestos and other pneumoconiosis-producing dusts, as established by governmental and professional agencies.

The efficiency and effectiveness of respiratory equipment is dependent upon proper care, cleaning and maintenance. A systematic procedure should be established to assure that this is done.

Lists of currently approved respiratory equipment can be obtained from:

Bureau of Mines
United States Department of the Interior
Nineteenth and E Streets, N.W.
Washington, D.C. 20240

American Industrial Hygiene A
14125 Prevoist
Detroit, Michigan 48227