IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FEB 1 - 1971
JAMES R. COONEY CLERK
BY DEPUTY Hazel E. Studdard

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6449

ADDITIONAL ANSWERS AND AMENDED ANSWERS OF THE DEFENDANT, PITTSBURGH CORNING CORPORATION TO THE FIRST SET OF INTERROGATORIES PROPOUNDED BY THE PLAINTIFF

TO: THE PLAINTIFFS and/or
MR. WARD STEPHENSON
Stephenson and Thompson
Stephenson Building
Orange, Texas

Their Attorneys of Record

Defendant, PITTSBURGH CORNING CORPORATION, pursuant to Order of the Court, overruling certain of its Objections to certain Interrogatories, propounded under Rule 33, Federal Rules of Civil Procedure, served upon Defendant's counsel, files this its Answers to such Interrogatories within the time required. It is also the purpose of these Answers to file Amended Answers to certain of the Interrogatories which have been previously answered. Such Answers and Amended Answers to each Interrogatory bear the same number and letter as the Plaintiff's Interrogatories:

Interrogatory Number 1

Since August, 1962, Pittsburgh Corning Corporation has manufactured UNIBESTOS insulation. Unibestos contains amosite asbestos fiber, sodium silicate and diatomaceous earth.

Interrogatory Number 3

This Defendant says that no studies to determine the effect of the above-named product on the lungs and physical condition of persons employed as

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insulators and asbestos workers who use the materials manufactured by this Defendant were made. However, this Defendant says that employees of Pittsburgh Corning Corporation's UNIBESTOS manufacturing plants are given pre-employment physical examinations and annual chest X-rays which have failed to reveal any evidence of a dust-related pulmonary disease. On this basis, this Defendant states that the above-named product manufactured by it is suitable and reasonably fit for the purpose for which the product is manufactured and used, and is therefore not unreasonably dangerous. This Defendant further states that Pittsburgh Corning Corporation is one of several companies supporting "Fibrous Dust Studies," now in progress at the Industrial Hygiene Foundation. To date no report or reports from the above-mentioned organization have been prepared and submitted.

Interrogatory Number 4

See answer to Number 3.

Interrogatory Number 5

Yes. Since August, 1962, this Defendant has sold its product to distributors, contractors and agencies of the United States Government. The product was packaged in cartons. The product was not sold universally throughout the United States but is sold in various parts of the United States.

Interrogatory Number 6

This product was sold to various distributors, contractors and agencies of the United States and it is understood that in turn it was used in new construction and repair of various manufacturing facilities requiring the use of the insulation materials.

Interrogatory Number 7

Assuming the word "use" is being utilized in its normal usage, in our own manufacturing experience, the answer is "No." As stated in Answer to Interrogatory Number 3 above, employees of Pittsburgh Corning Corporation's UNIBESTOS manufacturing plants are given pre-employment physical and

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annual chest X-rays, which have failed to reveal any evidence of a dust-related pulmonary disease.

Interrogatory Number 8

This Defendant would answer Interrogatory Number 8 exactly as it has answered Interrogatory Number 3 above.

Interrogatory Number 9

Defendant understands this Interrogatory to relate to persons working with and/or installing and/or applying industrial insulation products after they leave Defendant's manufacturing plant. Defendant answers that it is participating, directly or indirectly, in the studies described in Answer to Interrogatory Number 3.

Interrogatory Number 10

This Defendant does not regularly inspect the area or areas where workers are using products manufactured by it, assuming that the Plaintiff refers to in-the-field inspection. The reason such inspections are not made is that this Defendant (1) has no jurisdiction or control over the area or areas in which it may be used; (2) it has no way of knowing where its product is being applied; and (3) has no control over the manner of installation by the individual insulator or contractors. Scientists engaged by the United States Government and others, as well as published literature, indicate that in areas where workers were using this Defendant's products, dust counts have been below the threshold limit value set by the American Conference of Governmental Industrial Hygienists.

Interrogatory Number 11

Pittsburgh Corning Corporation is not familiar with Dr. Murray's report.

Interrogatory Number 12

Pittsburgh Corning Corporation is not familiar with Dr. Cook's work.

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Interrogatory Number 13

Pittsburgh Corning Corporation is not familiar with this legislation.

Interrogatory Number 14

No.

Interrogatory Number 15

None. See Answer to Interrogatory Number 10 above.

Interrogatory Number 17

It has been reported that mesothelioma may be associated with pulmonary exposure to a certain type of asbestos. Pittsburgh Corning Corporation does not use this type of asbestos.

Interrogatory Number 18

Yes. Since 1968 containers of the product Unibestos have had the following warning labels on them: "This product contains asbestos fibers. If dust is created when this product is handled avoid breathing the dust. If adequate ventilation is not possible, wear respirators approved by U. S. Bureau of Mines." This Defendant was of the opinion that such information should be transmitted to workers using the product if such workers did not already have such information. The use of same has commenced at the suggestion of an industry wide committee.

Interrogatory Number 19

No.

Interrogatory Number 21

No.

Interrogatory Number 22

No.

Interrogatory Number 23

Yes. Pittsburgh Corning Corporation is one of several companies supporting "Fibrous Dust Studies," now in progress at the Industrial Hygiene Foundation, and to date has thus far supported this research by the contribution

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of $40,000.00. Pittsburgh Corning Corporation is committed for further expenditures in this connection. To date, no report or reports from the above-mentioned organization have been prepared and submitted.

Interrogatory Number 24

No. See answer to Number 10.

Interrogatory Number 25

No.

Interrogatory Number 26

Under certain circumstances there may be.

Interrogatory Number 27

Unnecessary to answer.

Interrogatory Number 29

It is possible in most cases to distinguish Unibestos from other products manufactured by competitors by color and appearance.

Interrogatory Number 30

No.

Interrogatory Number 31

State of Pennsylvania, incorporated in the year 1883. Its offices and principal place of business are located in the City of Pittsburgh, Pennsylvania.

Interrogatory Number 32

Since August 1962.

Interrogatory Number 33

Defendant answers that respirators are currently on the market which will materially reduce the inhalation of asbestos dust and fibers. Such respirators are available under the U. S. Bureau of Mines Schedule 21B. Tests upon which said approvals are based were designed and conducted by that governmental agency and/or described in the Respiratory Protective Devices Manual published by the American Industrial Hygiene Association, American

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Conference of Governmental Industrial Hygienists, 1963. One such respirator, "Dustfo 77" Catalog No. N-9600 is manufactured by the Mines Safety Appliance Company.

Interrogatory Number 34

No. This Company has manufactured Unibestos since August 1962, and this product is not placed on the open market to be purchased and used by the public.

Interrogatory Number 35

This Defendant does not believe that Unibestos is harmful or dangerous in and of itself. The product, if safely used, by contractors and their employees, for its intended purposes, is not harmful. Therefore, no tests are necessary from the standpoint of this Defendant. However, a test conducted by the American Conference of Governmental Industrial Hygienists and scientists employed by the United States Government and others are available to the public as well as to this Defendant.

Interrogatory Number 36

There are no known cases of deaths or serious lung disease among the employees of this Defendant.

Interrogatory Number 38

Unibestos is for the most part applied in the field as it is taken out of the shipping carton. When it becomes necessary to cut the pipe-covering, this is done in two ways. The insulation contractor will cut for mitreing or tees short sections, etc, on a band saw in a shop where any dust is controlled by suction fans. If it becomes necessary to cut on the job at the point of application, the applicator will use a hand saw for this operation.

Interrogatory Number 39

Pre-employment physical examinations and annual chest X-rays have failed to reveal any dust-related pulmonary disease in any employee employed by Pittsburgh Corning Corporation, who has been exposed to asbestos dust and

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fibers and this includes employees who have worked at Defendant's plants since 1954, although this Defendant, Pittsburgh Corning Corporation, did not enter the asbestos field until 1962.

Interrogatory Number 40

No.

Interrogatories Numbers 47 through 84, inclusive

This Defendant, Pittsburgh Corning Corporation, agrees that the states named had Workmen's Compensation Laws covering occupational diseases, beginning in the years mentioned, but disagrees that all of these Workmen's Compensation Laws specifically covered asbestosis by name. However, this Defendant's undersigned attorney is aware of the fact that, in Texas, asbestosis was added as an occupational disease by the Acts of 1947, 50th Legislature, Article 8306, Sections 25 and 26.

Other than the above Answers, this Defendant has insufficient knowledge or information upon which to predicate a sworn statement to Interrogatories Numbers 47 through 84.

DATED this 29th day of January, 1971.

WELLS, DUNCAN, BEARD,
GREENBERG AND HUNT

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Beaumont, Texas 77704

Attorneys for Defendant, PITTSBURGH CORNING CORPORATION

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THE STATE OF TEXAS §
§
COUNTY OF JEFFERSON §

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE E. DUNCAN, attorney of record for the Defendant in the above-styled and numbered cause, duly authorized to make this Affidavit, and having been duly sworn, upon his oath states that the Answers and statements contained in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge and belief; that the reason that this affiant has executed this Affidavit is that the Defendant, PITTSBURGH CORNING CORPORATION, is a corporation, none of the officers of which are within the jurisdiction of this Honorable Court.

George E. Duncan
George E. Duncan

SWORN TO and SUBSCRIBED before me, the undersigned authority, on this the 29th day of January, 1971.

Martha A. Bennett
Notary Public in and for
Jefferson County, Texas.

Certificate of Service

I, George E. Duncan, attorney of record for the Defendant, PITTSBURGH CORNING CORPORATION, in the above-styled and numbered action, do hereby certify that a true and correct copy of the above and foregoing Answers to Interrogatories was, on this 29th day of January, 1971, served upon the Plaintiff, by depositing the same in the United States Mail, postage prepaid, addressed to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney of record for the Plaintiff; and also true copies to said Answers to Interrogatories were on this 29th day of January, 1971, served upon all other Defendants in this action, by mailing copies of the same to said attorneys at their respective addressed.

George E. Duncan
George E. Duncan

Attorney for Defendant, PITTSBURGH CORNING CORPORATION

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