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

SAMUEL R. POTTER vs. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	CIVIL ACTION NO. 6329
CLARENCE BOREL vs. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	CIVIL ACTION NO. 6449
J. J. CRAWFORD vs. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	CIVIL ACTION NO. 6492

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

ANSWER OF THE DEFENDANT, PITTSBURGH CORNING CORPORATION TO THE SECOND SET OF INTERROGATORIES PROPOUNDED BY PLAINTIFFS

TO PLAINTIFFS SAMUEL R. POTTER
CLARENCE BOREL
J. J. CRAWFORD and/or
Mr. Ward Stephenson
Stephenson Building
Orange, Texas

Their Attorneys of Record:

Comes now Defendant, PITTSBURGH CORNING CORPORATION and, in response to Interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, files these its Answers to the Second Set of Interrogatories Propounded by the Plaintiffs, 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 Plaintiffs' Interrogatories.

Based upon information obtained from Defendant's employees, with

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the advice of its counsel, Defendant has attempted to furnish the information requested in the Interrogatories, but it reserves the right to amend or supplement its Answers if it finds that inadvertent omissions or errors have been made, or if additional and more accurate information becomes available.

Interrogatory Number 1.

This Defendant does not have any "so-called threshhold limits," of its own. References in Answers to written Interrogatories previously propounded were to publications by The American Conference of Governmental Industrial Hygienists, entitled "Threshhold Limit Values for Air-Borne Contaminants."

In addition, a Department of Health, Education and Welfare, U. S. Public Health Service occupational health program study of the asbestos industry was commenced approximately five years ago and still continues. As part of this, Pittsburgh Corning Corporation's plants which produce UNIBESTOS were studied. The study was under the direction of:

Lewis J. Cralley, Ph. D.
U. S. Public Health Service
1014 Broadway
Cincinnati, Ohio 45202

In response to this continuing study, Pittsburgh Corning Corporation is improving its in-plant ventilation to control better the asbestos exposures of its employees. Also, in response to both this study and National Insulation Manufacturers Association's recommendations, Pittsburgh Corning Corporation labels its products with the label quoted in the Answer to Interrogatory Number 18 of Plaintiffs' first set of Interrogatories. Additionally, Pittsburgh Corning Corporation gives to independent contractors using its products, the National Insulation Manufacturers Association booklet:

"Recommended Health Safety Practices for
Handling and Applying Thermal Insulation
Products Containing Asbestos."

In view of the fact that there are other studies being made by the Industrial Hygiene Foundation, Inc., 5231 Center Avenue, Pittsburgh, Pennsylvania, 15232 which are sponsored by member companies of the

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National Insulation Manufacturers Association, Inc., this Defendant is aware that by reason of the dissemination of the various studies, booklets, pamphlets, etc., hereinabove mentioned and others, the so-called "Threshhold Limits" are widely known by the independent contractors using the products of this Defendant and those of other manufacturers, and that, therefore, any attempt by this Defendant to disseminate such information which is purely technical, would be unnecessary, in view of the fact that the Governmental studies, the studies made by Industrial Hygiene Foundation, Inc., and others discuss the matter of threshhold limits, the same are widely available to the independent contractors who use and apply such products, as well as to the various labor unions and their members, who work with and apply such products.

Interrogatory Number 2.

Unnecessary to answer.

Interrogatory Number 3.

Any reference to "Threshhold Limit Values," as used by Defendant in answering Interrogatories previously propounded to it was to the "Threshhold Limit Values" of The American Conference of Governmental Industrial Hygienists, which since before World War II and until the present time, has been 5,000,000 particles per cubic foot of air for asbestos dust.

Interrogatory Number 4.

Since this Defendant has been manufacturing UNIBESTOS only since 1962, the information which it obtained was from the publications mentioned above, subsequent to the commencement of the manufacture of its products in 1962.

Interrogatory Number 5.

No.

Interrogatory Number 7.

This Defendant does not contend that some dust count constitutes a threshhold level. Defendant has accepted the "Threshhold Limit Values" adopted by The American Conference of Governmental Industrial Hygienists. Defendant obtained this information from said Conference, as explained in

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response to Interrogatory Number 1, as well as from other sources. The level which has today been adopted by said Conference is 5,000,000 particles per cubic foot of air.

Respectfully submitted,

WELLS, DUNCAN, BEARD,
GREENBERG AND HUNT

By George E. Duncan
515 Beaumont Savings Building
P. O. Box 3708
Beaumont, Texas 77704

Attorneys for Defendant,
PITTSBURGH CORNING CORPORATION

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 the Second Set of Interrogatories Propounded by Plaintiffs 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.

Notary Public in and for Jefferson
County, Texas

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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 the Second Set of Interrogatories Propounded by Plaintiffs was, on this the 29 day of January, 1971, served upon the Plaintiffs, 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 Plaintiffs; and also true copies to said Answers were on this 29 day of January, 1971, served upon all other Defendants in this action, by mailing copies of the same to said attorneys at their respective addresses.

George E. Duncan

George E. Duncan

Attorneys for Defendant,
PITTSBURGH CORNING CORPORATION

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