FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 23 1969
JAMES R. COONEY, CLERK
BY DEPUTY

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

S. R. POTTER

V.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL.

CIVIL ACTION NO. 6329

ANSWERS OF THE DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION, TO INTERROGATORIES PROPOUNDED BY PLAINTIFF

TO THE PLAINTIFF, S. R. POTTER, AND MR. WARD STEPHENSON, STEPHENSON, THOMPSON & MORRIS, STEPHENSON BUILDING, ORANGE, TEXAS, HIS ATTORNEY OF RECORD:

Defendant, Owens-Corning Fiberglas Corporation, in response to interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, served upon defendant's counsel on or about October 14, 1969, files this, its answers to such interrogatories, within the time required. Such answers to each interrogatory bears the same number and letter as the request:

INTERROGATORY NO. 1. From time to time since 1950 Owens-Corning has manufactured a variety of industrial insulating materials comprised principally of glass fibers and various types of binders. These materials are or have been identified as:

Heavy Density Sectional Pipe Insulation
One Piece Pipe Insulations
O-C Flexible Tubing Insulation
PF 610 Industrial Insulation
Industrial Insulation 700 Series
Intermediate Service Board
Metal Mesh Blankets

In addition, since 1958 Owens-Corning has manufactured an industrial insulating material comprised of calcium silicate, asbestos fibers and various types of binders. This product is known as Kaylo or Kaylo 20 Insulation.

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INTERROGATORY NO. 2. Owens-Corning does not consider any of its industrial insulation materials to have a "dangerous nature" and such allegation or implication is specifically denied. However, the statements "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," are set forth on the packaging container for Kaylo and Kaylo 20.

INTERROGATORY NO. 3. The following studies have been made:

A. "Glass Dust: A Study of Its Biologic Effects," Paul Gross, M.D.; Marian L. Westrick, Ph.D., and James M. McNerney, M.P.H., Pittsburgh;

B. "Correlation Between the Character of the Chest Roentgenograms and Estimates of Intensity Plus Duration of Exposure to Fibrous Glass Coated with Phenolic Resin, as Studied by the Experience of Current Employees of the Newark, Ohio Plant of the Owens-Corning Fiberglas Corporation,"
George W. Wright, M.D., Head
Medical Research Department
Saint Luke's Hospital
Cleveland, Ohio;

C. "Occupational Hazards of Pipe Insulators," William T. Keane, MS, and Mitchell R. Zavon, MD, Cincinnati;

D. "Fiberglas Health Hazard Investigation," Walter J. Siebert, M.D., St. Louis, Missouri;

E. "The Effects of Fiberglas on Animal and Human Skin——Experimental Investigation——," Marion B. Sulzberger, M.D., and Rudolf L. Baer, M.D., With the Technical Assistance of Clare Lowenberg, M.S., and Hildegard Menzel, B.S.;

F. "Cutaneous Reaction to Fiberglas," Eldred B. Heisel, M.D., Associate Professor of Medicine and Chief, Division of Dermatology John H. Mitchell, M.D., Clinical Professor and Head of the Division of Allergy Ohio State University, Columbus;

G. "Report of the Director of The Trudeau Foundation——1941——,"
Leroy U. Gardner, M.D.

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INTERROGATORY NO. 5. Yes. Glass fiber and calcium silicate industrial insulating products have, in the past, been sold by Owens-Corning to distributors and applicators throughout the United States. These products are usually packaged in cardboard cartons.

INTERROGATORY NO. 6. See answer to No.5.

INTERROGATORY NO. 10. No. Owens-Corning Fiberglas customers for our asbestos-containing products are widely scattered throughout the nation. Considering the comparatively small application of our products, a program such as that suggested is not economically feasible.

INTERROGATORY NO. 15. Owens-Corning Fiberglas does not take air samplings in the field.

INTERROGATORY NO. 18. Yes. The label is stamped on the shipping cartons containing the product. The label was first used in February, 1967. The label states:

<u>This Product Contains Asbestos Fiber</u>

If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by the U. S. Bureau of Mines.

The statement on the label provides the reason for its use.

INTERROGATORY NO. 22. Owens-Corning Fiberglas has not consulted with Dr. Selikoff about asbestosis.

INTERROGATORY NO. 23. Owens-Corning Fiberglas has not directly contributed to research concerning asbestos and its relation to lung and larynx disease.

INTERROGATORY NO. 24. See answer to No. 10.

INTERROGATORY NO. 29. By the name on the carton.

INTERROGATORY NO. 30. No.

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INTERROGATORY NO. 31. State of Delaware; November, 1938; The Fiberglas Tower, Toledo, Ohio.

INTERROGATORY NO. 32. Since May, 1958.

INTERROGATORY NO. 33. We do not recommend any specific respirator except as noted on the label previously mentioned.

INTERROGATORY NO. 34. Owens-Corning Fiberglas has manufactured an asbestos-containing product since 1958, but it is not placed upon the open market to be purchased and used by the public.

INTERROGATORY NO. 38. Owens-Corning Fiberglas manufactures pipe covering and blocks.

To reduce or eliminate any air-borne particles, use collection devices, respirators, wet-down dusty materials, maintain good housekeeping practices.

INTERROGATORY NO. 39. No.

DATED this 22nd day of December, 1969.

KING, SHARFSTEIN & RIENSTRA

BY: Dale Dowell

707 Beaumont Savings Building
Beaumont, Texas
Attorneys for Defendant, Owens-Corning Fiberglas Corporation

THE STATE OF TEXAS X
X
COUNTY OF JEFFERSON X

BEFORE ME, the undersigned authority, on this day personally appeared Dale Dowell, attorney of record for the defendant in the above styled and numbered action, duly authorized to make this affidavit, and having been duly

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sworn upon his oath states that the answers and statements contained in the foregoing answers to interrogatories are true and correct.

Dale Dowell

SWORN TO AND SUBSCRIBED BEFORE ME by the said Dale Dowell this 22nd day of December, A.D. 1969.

Louise Larcomb
NOTARY PUBLIC, JEFFERSON COUNTY, TEXAS.

CERTIFICATE OF SERVICE

I, Dale Dowell, attorney of record for the defendant, Owens-Corning Fiberglas 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 the 22nd day of December, 1969, 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 of said answers to interrogatories were on this 22nd day of December, 1969, served upon all other defendants in this action by mailing copies of same to said attorneys at their respective addresses.

Dale Dowell
Attorney for Defendant, Owens-Corning Fiberglas Corporation.

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