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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP 23 1970
JAMES R. COONEY, CLERK
BY DEPUTY Virginia R. Sens

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

ANSWERS OF ARMSTRONG CORK COMPANY, DEFENDANT, TO
WRITTEN SUPPLEMENTAL INTERROGATORIES PROPOUNDED BY PLAINTIFFS

Armstrong Cork Company, defendant in some of the above entitled and numbered causes, through its attorneys of record, makes the following answers to supplemental interrogatories heretofore served on it by counsel for the plaintiffs.

SUPPLEMENTAL INTERROGATORY NO. 1

Have you ever advised those using your products of your so-called threshold limits? If you did, describe exactly how you advised those using your products of such threshold limits.

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 1

Referring to the possessive pronoun in the phrase "your so-called threshold limits" in this interrogatory, defendant denies any possessory interest in any threshold limits, and states that the threshold limit values referred to in our answer to the previous Interrogatory No. 35 are those published by the American Conference of Governmental Industrial Hygienists, which this defendant has not attempted to bring to the attention of those using its products.

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SUPPLEMENTAL INTERROGATORY NO. 2

If you did not advise those using your products of such threshold limit, explain why you did not.

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 2

Our customers are independent businesses, who have their own responsibility to provide safe places for their employees to work, and to comply with applicable regulatory codes where such codes exist. The threshold limit values are not absolutes; they may be varied by the number of hours a workman spends in the area, the nature and quantities of materials not of our manufacture being installed in the area, the concentration of working forces in the area, and other variables. Since such measurements are likely to be misunderstood by the average purchaser of insulation products, and if misunderstood could be used to justify maintenance of conditions which in fact are or were unsafe as measured by threshold limit values, advice to purchasers concerning such values would probably have been ineffective and could have been adverse to the best interests of persons installing such products.

SUPPLEMENTAL INTERROGATORY NO. 3

What do you contend to be the "threshold limits" as used in answering written interrogatories previously propounded to you?

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 3

The reference was to threshold limit values published by the American Conference of Governmental Industrial Hygienists.

SUPPLEMENTAL INTERROGATORY NO. 4

Where did you obtain such information concerning threshold limits, and when did you get such information?

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 4

The information was obtained as published, normally annually, by the American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202.

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SUPPLEMENTAL INTERROGATORY NO. 5

Has your company ever gone into the field and seen, observed, or counted, or in any way shown any interest in ascertaining how much dust is created by the worker applying your products when he is in an enclosed area such as a building, factory, room, or confined space? Answer "Yes" or "No."

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 5

No. At one time this defendant undertook a program which would have included the activities described in this interrogatory, but before any such actual observation or count had been completed and measured, the project was discontinued because the corporation had determined to stop the manufacture of asbestos insulation products.

SUPPLEMENTAL INTERROGATORY NO. 6

If your answer is "Yes" to Interrogatory No. 5, then please explain the details of when and where such observations were taken, by whom they were taken, giving the complete name and address, the system used for such observation and the complete results, and to whom the results were reported.

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 6

Not applicable.

SUPPLEMENTAL INTERROGATORY NO. 7

If your company is one contending that some dust count constitutes a threshold level, please explain in detail when you got such information, exactly what it is, setting out all the details which you have concerning this in its entirely, and what your company has done to advise those who might use your products.

ANSWER TO SUPPLEMENTAL INTERROGATORY NO. 7

This defendant has not used the term "threshold level". The threshold limit values to which we referred in answering previous Interrogatory No. 35 have been received by this defendant regularly as published by the American Conference of Governmental Industrial Hygienists, the detailed description of which is set forth in a series of publications by said conference titled "Threshold Limit Values of Airborne Contaminants", to which publications reference may be had for fuller analysis and explanation of such values. As further response to Supplemental Interrogatory No. 7, this defendant refers to its responses to Supplemental Interrogatories Nos. 1 through 6.

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DATED this 11th day of September, 1970.

ARMSTRONG CORK COMPANY

By _____
R. S. Trigg
Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF LANCASTER :

BEFORE ME, the undersigned authority, on this day personally appeared R. S. TRIGG, Assistant Secretary of Armstrong Cork Company, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 11th day of September, 1970.

_____
NOTARY PUBLIC IN AND FOR
LANCASTER COUNTY, PENNSYLVANIA

I certify that the above and foregoing Answers of Armstrong Cork Company, Defendant, to Written Supplemental Interrogatories Propounded by Plaintiffs were served upon plaintiffs, Samuel R. Potter, Clarence Borel, and J. J. Crawford, by mailing a copy thereof to their attorney Mr. Ward Stephenson, Stephenson, Thompson and Morris, P. O. Box 68, Orange, Texas 77630, by certified mail, return receipt requested, on the 21 day of September, 1970.

_____
W. N. Arnold, Jr.

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