FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 15 1970
JAMES R. COONEY, CLERK
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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

ANSWER OF THE DEFENDANT, FIBREBOARD CORPORATION, TO INTERROGATORIES PROPOUNDED BY PLAINTIFFS

TO: PLAINTIFFS, SAMUEL R. POTTER, CLARENCE BOREL AND J. J. CRAWFORD, AND MR. WARD STEPHENSON, STEPHENSON & THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS, THEIR ATTORNEY OF RECORD:

Defendant, Fibreboard Corporation, sued herein as Fibreboard Paper Products Corporation, in response to interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, herein files its answers to such interrogatories within the period of time as extended by order of this Court. Such answers to each interrogatory bears the same number as the request:

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.

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ANSWER:

This defendant does not have any "so-called threshold limits" of its own. References in answers to written interrogatories previously propounded were to publications by The American Conference of Governmental Industrial Hygienists entitled "Threshold Limit Values for Air-Borne Contaminants."

This defendant has not advised insulation contractors and those using its products of these publications.

INTERROGATORY NO. 2:

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

ANSWER:

This defendant's customers are insulation contractors and owners who are experts in the field of insulations application and are aware of any dust problem. All are aware that high temperature insulating products contain some asbestos and that reasonable care must be taken to reduce dust concentrations in shops and in the installation of the products where excessive dust is created. These customers know that threshold limit values have been established for asbestos dust concentrations.

Further, it is the duty and the responsibility of the insulation contractor or owner to furnish their employees a reasonably safe place to work and to inform their employees of these facts and to take all necessary safety precautions.

INTERROGATORY NO. 3:

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

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ANSWER:

See answer to Interrogatory No. 1.

INTERROGATORY NO. 4:

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

ANSWER:

Information obtained from:

American Conference of Governmental
Industrial Hygienists
1014 Broadway
Cincinnati, Ohio 45202.

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:

No.

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:

Not applicable because of the "No" answer to Interrogatory No. 5.

INTERROGATORY NO. 7:

If your company is one contending that some dust count constitutes a threshold level, please explain in detail when you

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got such information, exactly what it is, setting out all the details which you have concerning this in its entirety, and what your company has done to advise those who might use your products.

ANSWER:

This defendant does not contend that some dust count constitutes a threshold level. It only states that, to its knowledge, the most reliable information available on air-borne contaminants and on the concentration of such contaminants to which workers may be exposed without adverse effects is "Threshold Limit Values of Air-Borne Contaminants" published periodically by The American Conference of Governmental Industrial Hygienists.

The threshold limit recommended by The American Conference of Governmental Industrial Hygienists entitled "Threshold Limit Values For Air-Borne Contaminants," was five million particles per cubic foot of air, and this was the recommendation through the year 1968 or 1969.

DATED this 14th day of October, 1970.

WELLER, WHEELUS, GREEN & BROCATO

BY _____

GEO. A. WELLER,
P. O. BOX 350
BEAUMONT, TEXAS 77704
ATTORNEYS FOR DEFENDANT,
FIBREBOARD CORPORATION.

THE STATE OF TEXAS]

COUNTY OF JEFFERSON]

Geo. A. Weller, being duly sworn, on oath says that he is attorney of record for the defendant, Fibreboard Corporation, in the above causes, and as such is duly authorized to make, file and serve the foregoing answers to the interrogatories indicated in this affidavit, and that he does so acting on such authority and authorization; that he has read over the foregoing answers and the same are true and correct.

_____

GEO. A. WELLER

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SUBSCRIBED AND SWORN TO BEFORE ME by the said Geo. A. Weller, to certify which witness my hand and seal of office this, the 14th day of October, A. D. 1970.

Ouida L. Swope
NOTARY PUBLIC, JEFFERSON COUNTY, TEXAS

OUIDA L. SWOPE, Notary Public
In and for Jefferson County, Texas

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing answers was served on the following attorneys by mailing a true and correct copy thereof to their respective offices on the 14th day of October, 1970.

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