IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

DEC 9 - 1968 19

James R. Cooney, Clerk, U. S. Court

By Mildred C. Vest DEPUTY

CLAUDE J. TOMPLAIT :

:

VS. : CIVIL NO. 5402

:

COMBUSTION ENGINEERING, :

INC., ET AL :

ANSWERS TO INTERROGATORIES propounded to HERMAN L. HUELSTER, General Works Manager, Fibers and Minerals Division, Eagle-Picher Industries, Inc., "C" and Porter Streets, Joplin, Missouri, a witness produced, sworn and examined on the part of the above named plaintiff by Vera Mae Gant, Notary Public within and for the County of Jasper and State of Missouri on the 21st day of November in the year of our Lord 1968, at the Courthouse, Sixth and Pearl Streets in the City of Joplin, County of Jasper aforesaid, in a certain cause now pending in the United States District Court for the Eastern District of Texas, wherein Claude J. Tomplait is plaintiff and Combustion Engineering, Inc., et al are defendants.

HERMAN L. HEULSTER,

being duly sworn, gave the following answers to interrogatories propounded on the part of the plaintiff:

Interrogatory No. 1: Herman L. Heulster, 727 Harlem, Joplin, Missouri. The office address of Eagle Picher is Box 37,

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or "C" and Porter Streets. Eagle Picher Industries, Inc., Fibers and Minerals Division. I am the General Works Manager and my duties consist of the management of the Fibers Plant, Joplin, Missouri.

Interrogatory No. 2: I have not and to my knowledge the company has not conducted any studies.

Interrogatory No. 3: The answer to that is "No". No independent studies have been conducted by the company or its employees to my knowledge.

Interrogatory No. 4: To my knowledge we have never heard from Dr. Selikoff. The Eagle Picher Company, however, is not a manufacturer of asbestos; only asbestos is used in some of our products as an additive.

Interrogatory No. 5: We have not made regular inspection of areas where our products are being used. We believe that the employees manufacturing our products would be more susceptible to dust than the applicators or the users of the finished product; therefore, we did not feel any particular need in making any inspections.

Interrogatory No. 6: We do not recognize any of these publications.

Interrogatory No. 7: We have no knowledge that our products are hazardous and of course we do not subscribe to any medical journals from London or England.

Interrogatory No. 8: First of all, we do not agree

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and we only keep in touch with the legislative programs of the United States and our own State of Missouri.

Interrogatory No. 9: I do not have such medical information so therefore I cannot comment.

Interrogatory No. 10: We have not conducted any dust samplings or established any technique to do so in our company.

Interrogatory No. 11: I have no information or medical information pertaining to lung cancer in relation to asbestos dust and we have also not been aware of such information. Such information has not been made available to us.

Interrogatory No. 12: We have no knowledge of this at all. At least I do not have any knowledge.

Interrogatory No. 13: Yes, we place this warning on our cement products that contain asbestos. (Attached hereto designated as Exhibit 1) This warning was first begun in May or June of 1964. The Board of Directors of NIMA or the National Insulation Manufacturers Association, noted that the major producer of asbestos contained products -- that is, the John Manville Corporation of the United States, advised that they were placing some type of warning on their products that contained asbestos. We as a member of NIMA, therefore, elected to follow this industrial leader by doing same.

Interrogatory No. 14: No, I have no medical knowledge of such.

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Interrogatory No. 15: I do not have that medical information or knowledge.

Interrogatory No. 16: The only knowledge that I have about the amount of asbestos actually used in our products is the amount has diminished over the years.

Interrogatory No. 17, 18, 19, 20 and 21: I have absolutely no information on those.

Interrogatory No. 22: We do not agree that a problem actually exists with asbestos dust in the use of our products. We do not recognize that there is a problem.

Interrogatory No. 23. No, we were not aware of this. At least we have never received such an item from the Surgeon General.

Interrogatory No. 24: No, we don't recognize that there is a problem. We have taken no action.

Interrogatory No. 25: We place on all our asbestos contained products a recognizable identification or brand name on the container. From that point on we have no control or no information.

Interrogatory No. 26: Our cements containing asbestos are only mixed with water by the user. We manufacture no other asbestos contained products which have to be cut, sawed, scribed or shaped.

Interrogatory No. 27: Incorporated State of Ohio on January 10, 1867; domicile: State of Ohio.

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Interrogatory No. 28: Approximately 1934.

Interrogatory No. 29: We at the Joplin plant recommend the use of a Dust Foe Respirator No. 66, manufactured by the Mine Safety Appliance Company, Pittsburg, Pennsylvania. We believe that this will minimize the inhalation of dust particles. We also believe this respirator to be sufficient as it is approved by the United States Bureau of Mines. We have made no extensive tests.

Interrogatory No. 30: Our products are not sold to the general public, our products are sold only through contractors and distributors to be resold to applicators.

Interrogatory No. 31: As previously stated, we have no knowledge that our products are harmful and no tests have been made by us. We base our conclusions upon the experience of manufacturing.

Interrogatory No. 32: We have no knowledge of this at all; of any conditions existing in the plant.

Interrogatory No. 33: We have placed warnings on our cement products containing asbestos as described in one of the other previous questions.

Interrogatory No. 34: (1) Asbestos Cement is mixed with water on the job.

Items (2), (3), (4), (5) and (6) are products we do not manufacture. We do not manufacture any of the other products except cement. We recommend that the mixer or the persons

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mixing it wear an approved respirator or do their mixing in a well ventilated area.

Interrogatory No. 35: Of the fifty-three present employees that are employed in our manufacturing plant for 20 years or longer, we have no knowledge of any of them having any lung disease.

Interrogatory No. 36: I have no information as to that. I think you have to go to a professional doctor for that.

Interrogatory No. 37: I have a copy here which shows the profits of the company from 1960 to 1967 (attached hereto designated as Exhibit 2).

Interrogatory No. 38: The second item on Exhibit 2 is from the years 1960 through 1967.

Interrogatory No. 39: See Exhibit 2. "Sales" gives our total company sales from 1960 to 1967. In reference to the amount of sales of products of our company containing asbestos for each of the years since 1960, these sales figures of the products containing asbestos are not readily available.

Interrogatory No. 40: William D. Atteberry is the President. We have no Chairman of the Board.

Interrogatory No. 41: That does not apply.

Interrogatory No. 42: Yes, I have talked with our company attorney, Mr. Walter Suhre, Jr. and with Mr. Ben Reynolds, attorney representing our company and the conversation was

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concerning the questions.

Interrogatory No. 43: Yes, I have read them. They were sent to me by our company attorney, approximately ten days ago.

Interrogatory No. 44: Yes. I think we have covered those statements in previous questions.

Interrogatory No. 45: Naturally, I agree with the statements made by our attorneys. I base my conclusions not upon medical information but upon my manufacturing experience. I have no information as to where the name "asbestosis" comes from.

Interrogatory No. 46: I naturally agree with our attorneys and I have no knowledge that our products are dangerous. As previously stated the warnings are placed on our products because the leaders of the insullation industry recommended the warning and I have no knowledge the prolonged exposure is or is not harmful.

Herman L. Heulster

Subscribed and sworn to before me this 5th day of December, 1968.

Vera Mae Yount
Notary Public

My commission expires: July 30, 1972.

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CERTIFICATE

STATE OF MISSOURI)
) ss.
COUNTY OF JASPER)

I, VERA MAE GANT, Notary Public within and for the County of Jasper and State of Missouri, do certify that pursuant to written Notice attached hereto, came before me at my office in the Courthouse Building, 6th and Pearl Streets, in the City of Joplin, County of Jasper and State of Missouri, MR. HERMAN L. HUELSTER, who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined, his examination reduced to writing and subscribed by him, in my presence; and his said deposition is now herewith returned.

Given at Joplin, in the County o f Jasper, and State of Missouri, this 5th day of December, 1968.

Vera Mae Gant
Notary Public

My commission expires July 30, 1972.

VMG

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