IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
FEB 26 1969
James R. Cooney, Clerk, U. S. Court
By Margaret Turner DEPUTY

CLAUDE J. TOMPLAIT :

VS. : CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

INTERROGATORIES PROPOUNDED TO DEFENDANT UNARCO INDUSTRIES, INC.

TO: UNARCO INDUSTRIES, INC. and/or GERALD P. COLEY, FIRST CITY NATIONAL BANK BUILDING, HOUSTON, TEXAS 77002, Attorney for UNARCO INDUSTRIES, INC.:

CLAUDE J. TOMPLAIT, plaintiff, hereby serves upon the above named defendant the following written interrogatories to be answered fully and fairly in writing under oath, which shall be signed by the person or persons making such answers, a copy of such answers to be served upon plaintiff's attorney within fifteen (15) days after servic e herein, in accordance with Rule 33 of the Federal Rules of Civil Procedure:

INTERROGATORY NO. 1: Give the names and trade names of all types of insulating materials manufactured by you, giving the dates that you began to manufacture such materials, starting in 1950, a description of the materials and what they contain.

INTERROGATORY NO. 2: Did you ever at any time give warnings to workers of the dangerous nature of such materials? If so, describe your warnings and to whom such warnings were given.

INTERROGATORY NO. 3: What studies have you made to determine the effect of your products on the lungs and physical condition of persons employed as insulators and asbestos workers who use the materials?

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INTERROGATORY NO. 4: Who made such studies, when were they made, and attach copies of the reports of the studies.

INTERROGATORY NO. 5: Did you package and sell any one of the products named in plaintiff's third amended complaint, and if so, how were the products sold, how were the products packaged, and were these products universally used throughout the United States?

INTERROGATORY NO. 6: If these products were used primarily in any specific location or area, please explain where such products were primarily used.

INTERROGATORY NO. 7: Do you not recognize that prolonged use of the insulating materials manufactured by you can cause or contribute to cause various occupational diseases including asbestosis, silicosis and dermatitis?

INTERROGATORY NO. 8: Did you manufacture or sell any insulating products which were used by any of the named contractors or employers: B & B Engineering and Supply Company, Brooks-Fisher Insulating Company, Fluor Corporation, Ltd., Armstrong Contracting and Supply Corporation, The Aber Company, Inc., Sabine Insulating Company, Inc., Johns-Manville Sales Corporation, Insulation Engineers, Inc., Triangle Insulation Company, Industrial Insulation, Inc., between the years 1950 to date?

INTERROGATORY NO. 9: Please give the home address of your company, and the names and addresses of the President and Vice President of your company.

INTERROGATORY NO. 10: Has your company conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using or being exposed to any of the asbestos materials manufactured by your company? In answer to this question, please give the date and nature of your studies, if any, the name or names of the persons conducting the studies and their address, what the purpose of the studies were, and attach a copy of any report based upon such studies, showing to whom such report was given and when.

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INTERROGATORY NO. 11: Has your company conducted studies designed to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the name or names of such persons conducting such studies, attach copies of reports of such studies, by whom they were made, and to whom they were given, and when, and state what action, if any, was taken based upon such studies in an effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company.

INTERROGATORY NO. 12: In an article in the October 12, 1968 issue of THE NEW YORKER magazine, it is stated, "He (referring to Dr. Irving J. Selikoff) wrote to several other large asbestos manufacturers in the United States, inquiring about the health experiences of their plants, and was unable to obtain information from any of them." Please state whether or not your company was one of the companies contacted by Dr. Selikoff in this regard and if it was, why your company did not furnish him with the information requested.

INTERROGATORY NO. 13: Does your company have any regular inspection of areas where workers are using products manufactured by your company containing asbestos as to the dust count? If you do not, then please explain why this is not done, and if you do, please explain what action if any is taken by your company following the taking of dust counts at any of the locations referred to above. Also please give the dates if any that your company first started making this dust count.

INTERROGATORY NO. 14: Does your company recognize that as early as the year 1900 Dr. H. Montague Murray, a physician in London's Charing Cross Hospital, found spicules of asbestos in the lung tissue? If you agree with this, then state what action if any your company has taken since 1900 to reduce or eliminate the dangers to those using your asbestos products from inhaling the dust and fibers.

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INTERROGATORY NO. 15: Does your company recognize that in 1924, Dr. W. E. Cook, also of England, found clear evidence of asbestosis and that such discovery was published in the British Medical Journal of July 26, 1924, and re-published in 1927? If you do, then please state what action if any was taken by your company based upon these studies to reduce or eliminate asbestosis in those using your products. If your answer is that you do not recognize the truth of such statement, then please state what you or your company has done in an effort to keep abreast of medical literature concerning the disease produced from the products which you manufacture, if in truth you have.

INTERROGATORY NO. 16: Does your company recognize that in 1931, an English Parliament passed legislation making asbestosis a compensable disease and requesting improved methods of exhault ventilation and dust suppression in asbestos-textile factories, and also instituted periodical medical examinations for workers engaged in particularly dusty processes in the asbestos-textile industry? If you do recognize the truth of the statement above, please state what action if any you or your company took in response to such knowledge in an effort to reduce or eliminate the effects of asbestos to those using your products. If you do not recognize the truth of such statement then please state why you or your company did not keep in touch with legislation and programs adopted endeavoring to reduce or eliminate the disease of asbestosis in those using asbestos products.

INTERROGATORY NO. 17: Do you agree that once asbestos fibers or dust are inhaled into the lungs there is no way to eliminate such dust or fibers from the lungs for the balance of such person's life?

INTERROGATORY NO. 18: What technique, if any, does your company use to make dust samplings, explaining the technique and when it was commenced and what the purpose was and what action has been taken in response to the findings is to the dust samples.

INTERROGATORY NO. 19: Does your company recognize that asbestos causes asbestos-induced lung cancer? If your answer is "Yes" when did you come

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to such realization and what action did you take in response thereto? If your answer is "No" then please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of its dangerous nature.

INTERROGATORY NO. 20: Does your company recognize that there is a direct connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If your answer is "Yes" to this question, then please advise what notices were given to those exposed to your asbestos products of this fact.

INTERROGATORY NO. 21: Does your company place any warning signs on its asbestos products? If so, please state exactly what the warning is, where it is used and when its use was first begun. If your answer to this question is "Yes" then please explain why your company uses such warning notices.

INTERROGATORY NO. 22: Do you agree that asbestos has been directly associated medically with the disease of cor pulmonale?

INTERROGATORY NO. 23: Does your company recognize that asbestos fiber exists for an infinity of years? In other words, unlike some dangerous products, it does not eventually dissipate or reduce itself in danger to those who might be exposed to it?

INTERROGATORY NO. 24: Does your company recognize that year-by-year more asbestos is used in the United States and therefore, the public is being exposed to a greater and greater extent of the inhalation of asbestos dust and fiber? If your answer is "Yes" then please state what action you or your company have taken to reduce or eliminate this danger and what action, if any, you have taken to notify the public at large of this danger.

INTERROGATORY NO. 25: Has your company consulted with Dr. Irving J. Selikoff of New York concerning asbestosis, and if so, please state when and under what circumstances and what information, if any, was furnished by your company, giving dates, to him.

INTERROGATORY NO. 26: Does your company contribute any funds to research concerning asbestos and its

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relation to lung and larynx disease? If so, please state the amount of money contributed, when and to whom, attaching any report or reports from such individual or organization to whom your funds were contributed.

INTERROGATORY NO. 27: Does your company have any labor inspectors or anyone from your company whose job it is to go to areas where your products are being used to make a dust level count, and if so, please state when your company started such procedure, the purpose of it, and what action, if any, was taken in response to your findings.

INTERROGATORY NO. 28: Does your company agree that the problem of asbestos dust extends further than to those merely using your products but that the exposure is shared with other construction workers as well?

INTERROGATORY NO. 29: If your answer to the preceding Interrogatory No. 28 is "No" then please state whether or not your company is familiar with Dr. William H. Stewart, Surgeon General of the Sub- United States, testifying before the Committee on Labor before the House of Representatives of the United States Congress that probably three and one-half million construction workers are being exposed to asbestos dust in addition to those workers actually using the materials containing asbestos?

INTERROGATORY NO. 30: Does your company recognize or agree that the problems of air laden with asbestos dust is so great that possibly millions of the people in the United States are being exposed to the inhalation of asbestos dust who have nothing to do with its use or application? If your answer is "Yes" then please advise what action your company has taken, if any, to advise the general public of the dangerous nature of asbestos and what steps have been taken to endeavor to protect the general public from the dangerous effects of the inhalation of the asbestos dust and fibers, when such action was taken, and what it consists of.

INTERROGATORY NO. 31: Is it possible with all of your products containing asbestos to distinguish your products from those manufactured by a competitor? If your answer is "Yes",

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please describe how your company contends your products in all instances can be distinguished from that of a competitor. If there are products which cannot be, in your opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the product manufactured by your competitor.

INTERROGATORY NO. 32: It is true, is it not, that most of the products manufactured by your company containing asbestos will in most instances have to be cut, sawed, scribed, shaped or mixed by the ultimate user and his employees?

INTERROGATORY NO. 33: Please give the date of incorporation of your company, the date it was organized, and the domicile of your company at this time.

INTERROGATORY NO. 34: How many years has your company been engaged in the manufacture of products containing asbestos and which are commonly used by insulators and asbestos workers?

INTERROGATORY NO. 35: If your company contends that any respirators or other breathing device is currently on the market that will prevent the inhalation of asbestos dust and fibers, give the detailed description of such respirator or other breathing device, together with how you know this will prevent the inhalation of such dust and fibers, what tests were conducted, by whom and where, with sufficient detail to enable us to obtain the results of such tests.

INTERROGATORY NO. 36: It is true, is it not, that your company has for many years manufactured insulating materials containing asbestos and that such products have been placed upon the open market to be purchased and used by the public?

INTERROGATORY NO. 37: Does your company recognize that such asbestos insulating materials are dangerous and harmful to human beings and to the health of man? If your answer to this question is "Yes" then please explain when you came to this conclusion and what, if anything, you have done about it to notify the public. If your answer is that your products are not harmful then explain what tests were made upon which you base such conclusion.

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INTERROGATORY NO. 38: Please state whether or not your company has had knowledge of any deaths or serious lung disease among your employees which has been attributed to the inhalation of asbestos dust or fibers. If so, please give the number, the name where known, and address of such persons, together with the name and address of the doctor who administered treatment to such persons, if known.

INTERROGATORY NO. 39: Assume for the purpose of this question that it has been known for many years that asbestos dust and fibers have been dangerous to human beings: Assuming the truth of such statement, has your company done anything prior to 1966 to notify any segment of the American population of such danger? If so, please explain what.

INTERROGATORY NO. 40: If your company manufactures any insulating products which are commonly used by insulators and which contain asbestos, please describe how the following products are cut, shaped, mixed and applied on the jobs:

(1) Asbestos cement;
(2) Asbestos pipe covering;
(3) Asbestos bricks or blocks;
(4) Asbestos sheeting;
(5) Asbestos insulation used to cover extremes of heat as well as cold;
(6) Asbestos insulation in loose form which may be blown into homes or buildings,

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste. Then please state if there is any way known to you that the above products can be used and applied without the worker inhaling any of the asbestos dust or fibers.

INTERROGATORY NO. 41: Does your company have any statistical figures available showing the number of employees employed with your company who are exposed to asbestos dust and fibers and who have worked for your company twenty years or longer who have lung disease? If so please give such figures.

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INTERROGATORY NO. 42: If your company has available any medical information or information concerning the most common cause of death of one having asbestosis, then please describe what the most frequent cause of death from one suffering from such disease is.

INTERROGATORY NO. 43: Please state the net profit made by your company for each of the years since and including the year 1960.

INTERROGATORY NO. 44: Please give the net worth of your company as of the end of your annual accounting period for each of the years since 1960.

INTERROGATORY NO. 45: Please give the total volume of sales of products manufactured by your company and include, if possible, the total amount of sales of products of your company containing asbestos for each of the years since 1960.

INTERROGATORY NO. 46: Does your company recognize that there is a connection between asbestos or products which you manufacture containing asbestos and the disease of asbestosis? If you disagree with this, please state there is a connection and your company recognizes it. If you do not recognize there is a connection, then please state the medical basis for your conclusion and upon what studies you have based your answer and explain where the name of the disease "asbestosis" comes from.

INTERROGATORY NO. 47: Do you deny that asbestos products are dangerous? If you deny that asbestos products are dangerous, explain why you are now putting warning notices on products containing asbestos.

STEPHENSON, THOMPSON AND MORRIS

By _____
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CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and correct copy of the foregoing Interrogatories Propounded to Defendant Unarco Industries, Inc. was on this the 25th day of February, 1969, forwarded to Gerald P. Coley, First City National Bank Building, Houston, Texas, Attorney for Unarco Industries, Inc., by certified mail, return receipt requested.

Ward Stephenson

WARD STEPHENSON