

PLAINTIFF'S EXHIBIT

CAP-1140

From The Desk Of -

I. L. TAYLOR
VICE PRESIDENT
SALES AND MARKETING

cc: Alpine
- B. H. H. H.
- B. H. H. H.
- B. H. H. H.

Lee

12-23-78

Handwritten initials and date:
12-24-78

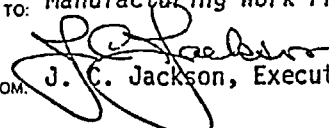
If you can let me
know so we can vote yes
on contributing from AACPP



A/C Pipe
Producers Association

Internal Correspondence

TO: Manufacturing Work Practices Committee

FROM: 
J. C. Jackson, Executive Director

DATE: December 18, 1975

SUBJECT: OSHA: Occupational Standard for Exposure
to Asbestos

As a follow-up to yesterday's memo, enclosed you will find a copy of a communique received this morning from AIA outlining their proposed actions regarding the development of industry comment on OSHA's revised asbestos standard. This represents the first formal and substantive input from AIA on their plans for rebuttal. It includes what input they would like provided and by what means.

AIA's proposed plan of action appears to be comprehensive and well thought out. I recommend you read it thoroughly and discuss its contents/implementation with your corporate representative to AIA. One immediate question that is raised is whether AACPP through the Manufacturing Work Practices Committee should continue to develop, as previously recommended, a coordinated Association brief for the A/C pipe industry or whether individual member companies should provide the necessary, and identical, feasibility data directly and solely to the outside consultant selected by AIA (i.e. Roy F. Weston, Inc.). This question needs immediate resolution to prevent further delays and/or dilution of effort in assembling the data. *Consequently, I herewith request that Davis Weaver as Chairman of the Manufacturing Work Practices Committee immediately poll Committee members to determine their druthers. Regardless of what course of action is chosen, I would further ask that the results of the poll be immediately communicated both to Counsel (Arthur Kahn) and AACPP (J. C. Jackson).*

AIA in the enclosed memorandum indicates need for financial support. Since AACPP is not a member of AIA but does have a vested interest in the eventual promulgation of the OSHA asbestos standard, I believe it propitious to propose to the members of AACPP's Executive Committee, copied on this transmittal letter, that a decision on possible financial support be resolved at the earliest possible date. *So that as little time as possible elapses before I communicate our intentions to AIA, I would ask Messrs. Blankenship, H. Taylor, L. Taylor, Smith and Barge to let me have their decision either by telephone or letter no later than January 9, 1976. Further, to focus the decision on a specific dollar amount, staff recommends that AACPP dedicate 50 percent of the 1976 Medical Advisory Committee budget (i.e. \$7,500) for this purpose.*

If any of you have questions, please give me a call. I do plan to be out of the office from December 25, 1975, to January 1, 1976. However, since the OSHA standard carries the highest priority, if you must reach me, please do not hesitate to call my home (703-534-0972).

JCJ:mcm

cc: Executive Committee, A. Kahn, H. Olson, P. Kotin.

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ASBESTOS INFORMATION ASSOCIATION

1660 L Street, N.W. / Washington, D.C. 20036 / (202) 223-4885

☐ ED ☐
☐ AD ☐
☒ AA ☐

17 December 1975

Memorandum For: Executive Directors, Asbestos Interest Associations

Subject: Proposed Revision to OSHA Regulations,
Occupational Exposure to Asbestos

Though I have talked with most of you and in some instances met with you and members of your Association in connection with AIA/NA proposed actions regarding subject, I would like to review for you what we are doing and to indicate to you how your Association and its individual members can participate (or are participating).

The AIA/NA plan of action is briefly as follows;

1. We will prepare an industry response to the proposed revision to the asbestos regulation. Guy G. Gabrielson, Jr., Chairman of the Board, Nicolet Industries, Inc., is serving as the task force chairman of the AIA/NA for the industry response.

2. In addition to member companies, non-member companies and their unions throughout the nation on all levels of industrial usage of fiber are being invited to participate in the development of the presentation.

3. The Association's medical advisor, Dr. Hans Weill, will prepare a report reviewing and analyzing the present state of knowledge concerning asbestos and health.

4. The consulting firm, Roy F. Weston, Inc., West Chester, PA., will conduct a survey of participating companies and prepare a report on the technological feasibility and economic impact of the proposed regulation. (All engineering, cost and marketing information required for the feasibility/economic report will be gathered by Roy F. Weston, Inc. only. Correspondence and data will be coded; will be summarized and analyzed by their persons alone and at the conclusion of the study, all questionnaires used and call reports generated will be either returned to participants or destroyed. Files will be so arranged that no specific piece of information or expression of opinion can be distributed to any particular company. In no event will any basic data be passed from one participating company to another.)

5. An informal groups of qualified persons representing different segments of the industry will prepare a summary of the medical and feasibility/economic reports and draft an industry recommendation.

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6. A meeting of representatives of all participating companies and unions plus pertinent trade associations will be held during the first week of February 1976 to vote for or against endorsement of the medical report, the feasibility/economic report and the summary and recommendations.

7) The Association will submit to the Department of Labor, on behalf of all endorsing companies, trade associations, and unions (names to be listed), the medical report, the feasibility/economic report and the summary and recommendations.

We hope that you will encourage your members to participate in the program and to make financial contributions to defray the costs of this endeavor through membership in the AIA/NA or as they may see fit. We seek the support of your association in the development of our presentation and will, of course, consult with you as we progress. The thrust of the effort as you can see is collective response through individual company input. Each of your associations may wish to present the case of its industry segment. We hope that you will share your positions with us that the overall presentation may be complete and in no way contradictory within the industry.

Representatives from CONSAD, the Pittsburgh consulting firm on contract to OSHA for the inflationary impact study, met with our board members on December 11. Theirs is a difficult task, more complex than the study we are making. We have assured CONSAD of our cooperation in their efforts.

I enclose a clipping from today's Federal Register which advises that the date for submission of comments on the proposed revision to the OSHA standard has been extended to February 9, 1976. A decision to ask for additional time has not been made by AIA/NA at this writing but clearly we have a tremendous task to accomplish in a very brief period of time. We shall keep you informed of our work, possible changes in time schedules, etc. We look to your assistance and welcome your comments.



R. H. Mereness
Executive Director

Enclosure
Distribution List Attached

Distribution List:

American Public Transit Association
Asbestos Cement Pipe Producers Association
Asbestos Textile Institute
Asphalt Roofing Manufacturers Association
Automotive Parts Rebuilders Association
Fluid Sealings Association
Friction Materials Standards Institute
Gypsum Drywall Contractors International
National Insulation Contractors Association
National Paint & Coatings Association
Resilient Tile Institute
Thermal Insulation Manufacturers Association

proposed rules

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DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1910]

[Docket No. H-033]

OCCUPATIONAL EXPOSURE TO ASBESTOS

Extension of Time To File Comments on
Proposed Revision; Corrections

1. *Extension of time.* On October 9, 1975, notice was published in the FEDERAL REGISTER (40 CFR 47652) of a proposed revision of the occupational safety and health standard for exposure to asbestos, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were given until December 8, 1975, to submit written data, views, and arguments regarding the proposed revision and to file objections thereto. In response to the notice, interested parties have submitted requests for an extension of the period within which to file comments. The basis for the requests is that the issues raised by the proposal are complex, that additional time is needed to compile relevant data and information regarding the proposed revision and that affected parties are also submitting comments on other recently published OSHA proposals. The requesting parties state that additional time is necessary in order to submit appropriate comments on the proposed revision.

OSHA finds these requests and supporting rationale to have merit, and has decided to extend the period for the filing of comments and objections for approximately 60 additional days. Because of the need to prepare an inflationary impact statement, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed revision of the standard on asbestos, is extended from December 8, 1975 to February 9, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H-033 U.S. Department of Labor, Room N-3620, 3d and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202/523-9076). The data, views, and arguments will be available for public inspection and copying at the above ad-

dress. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In FR Doc. 75-26561, appearing in the FEDERAL REGISTER of October 9, 1975, it is necessary to make the following corrections:

1. On page 47653, in the first column, lines 7-9 of the first full paragraph are corrected to read "industry (624,000 short tons), while 23 percent were used in nonconstruction. Approxi-"

2. On page 47653, in the first column, the second sentence of the fourth paragraph is corrected to read as follows: "The Occupational Safety and Health Administration and the standards issued by it do not apply to working conditions in mining and milling operations to the extent that such working conditions are covered by regulations affecting occupational safety or health prescribed or enforced by the Mining Enforcement and Safety Administration of the Department of the Interior."

3. On page 47653, in the third column, in line 31, the quotation is corrected by adding the word "suffer" after the word "will".

4. On page 47654, in the first column, line 15 of the third full paragraph, the reference "Selikoff, 1965:" is corrected to read, "Selikoff, Hammond and Churg, 1965:".

5. In page 47654, in the third column, line 14 of the first complete paragraph, the year "1965" is corrected to read "1967".

6. On page 47654, in the third column, line 14 from the bottom of the first full paragraph, the word "asbestosis" is corrected to read "asbestos".

7. On page 47655, in the first column, line 11 of the fourth paragraph, the reference "Enterline, 1972" is corrected to read "Enterline, de Couffe and Henderson, 1972".

8. On page 47655, in the third column, line 5 of the second full paragraph, the date "1972" is corrected to read "1973".

9. On page 47656, in the first column, lines 2, 8 and 9 from the bottom of the second full paragraph, the references are corrected to read "Sheers and Templeton, 1968"; "Stumphius, 1971", and "Rawcliffe, 1971", respectively.

10. On page 47659, reference 8, the name of "Nureweather, E.R.A." is corrected to read "Mereweter, E.R.A."

11. On page 47659, reference 9, the name "Dressen, W.C." is corrected to read "Dreessen, W.C."

12. On page 47660, reference 13, the name "Dozz, R." is corrected to read "Doll, R."

13. On page 47660, reference 15, the title of the paper is corrected by changing the word "Conjugal" to "Household Contact".

14. On page 47660, reference 19, the title of the paper is corrected by changing the word "Research" to "Recent".

15. On page 47660, reference 21, the name "P. Marehand" is corrected to read "P. Marchand".

16. On page 47660, reference 22, the name "Enticknap, J.B." is corrected to read "Enticknap, J.B."

17. On page 47660, reference 23, the entire reference is corrected to read: Borow, M., Conston, A., Livornese, L.I., and N. Schalek: Mesothelioma Following Exposure to Asbestos: A Review of 72 Cases. Chest 64: 641-646 (1973).

18. On page 47660, reference 25, the city "Bristol" is corrected to read "Brighton".

19. On page 47660, reference 27, the name "Still, P. M." is corrected to read "Stell, P.M."

20. On page 47660, reference 29, the publication year is corrected by changing "(1976)" to "(1970)".

21. On page 47660, reference 31, the date is corrected by changing "September 30, 1974" to "September 20, 1974".

22. On page 47660, reference 32, the name "Wester, I." is corrected to read "Webster, I."

23. On page 47660, reference 33, the name "L. Davies" is corrected to read "T. A. Lloyd Davies".

24. On page 47660, reference 34 is to be added as follows: "Lillington, G.A., Jam-poe, R.W. and J.R. Differding: Conjugal Malignant Mesotheliomas. New Eng. J. Med. 291: 583-584 (1974)."

25. On page 47660, reference 38, in the title of the paper, the name "Wallheren" is corrected to read "Welcheren".

26. On page 47660, reference 39, the name "Sherrs, G." is corrected to read "Sheers, G."

27. On page 47660, reference 40, in the title of the paper, the word "Plural" is corrected to read "Pleural".

28. On page 47660, reference 41, the name "Wagner, J.K." is corrected to read "Wagoner, J.K."

29. On page 47660, reference 42, the name "Eolge, J.R." is corrected to read "Edge, J.R.", and in the title of the paper, the name "Barrow-in-Furnances" is corrected to read "Barrow-in-Furness."

30. On page 47664, in the third column, the first sentence of paragraph "II C" is corrected to read "Employees involved in clean-up operations where air concentrations are unknown should wear respiratory equipment as specified in Table 1 of the asbestos standard, which protects for up to at least 1000 times the limits in paragraph (b) of the asbestos standard."

31. On page 47665, in the second column, line 11 of paragraph I(f) is corrected by changing "50" to "1,000".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71, 34 FR 8754, and 29 CFR Part 1911).

Signed at Washington, D.C., this 10th day of December 1975.

MORTON CORM,

Assistant Secretary of Labor.

[FR Doc. 75-34014 Filed 12-16-75; 8:45 am]

Asbestos Information Association

North America

1660 L Street, N. W.

Washington D. C. 20036