In re: All Asbestos Litigation Filed by The Simmons Firm, Circuit Court, Third Judicial District, Madison Cty., IL; 8/28/03

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November 22, 1983

W. W. Hoenes
T. W. O'Boyle
Eaton Corporation
P. O. Box 595
Galesburg, Michigan 49053

Subject: 11/4/83 OSHA Asbestos Emergency Rule

OSHA's recently issued Emergency Temporary Standard on permissible asbestos fibers reaffirms their continued desire to eliminate the use of this material. In the case of brake linings, I'm sure you're aware IH, as well as other truck manufacturers, have programs to evaluate non-asbestos materials. However, this will be a time consuming process. It is not only a matter of how soon lining manufacturers will have the capacity to convert all their materials to non-asbestos, but how quickly vehicle manufacturers can conduct the testing necessary to insure themselves they're not resolving one problem and creating others. Our testing to date shows the non-asbestos materials may well create such a situation. In addition, life projections (lining and drum) are not as clearly defined as one would be led to believe.

My purpose in writing you is to find out:

1) If your company plans to be active in the upcoming hearings?

2) Does your company or associations to which you belong plan to provide comments to this rule by the 1/3/84 due date?

3) Does the proposed temporary standard present your company any problems in meeting our current demands for your products? If so, describe in more detail.

4) If OSHA plans to pursue a more stringent requirement, which in effect would eliminate the use of asbestos, how long would it take your company to completely convert to non-asbestos products?

TRUCK GROUP ENGINEERING 2911 Meyer Road Fort Wayne, Indiana 46803
Address reply to P.O. Box 1109 Fort Wayne, Indiana 46801

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5) Would your company go on record and challenge a more stringent standard (i.e. .1 fiber/cubic centimeter) if the effective date was 5 years in the future? 4 years in the future? 3 years in the future? 2 years in the future? 1 year in the future?

As I'm sure you're aware, there are a great variety of asbestos linings currently in use on Class 6, 7, and 8 tractors, trucks, buses and trailers. It will take vehicle manufacturers considerable time and expense to approve new materials to cover the variety of brakes, axle capacities, models and vocations currently being offered. The elimination of asbestos from lining materials will occur and we all need to expedite our efforts to make this conversion. However, the industry needs an appropriate time frame for this change or we'll end with another FMVSS-121 situation.

I hope you support these comments. In order to initiate an IH response to this regulation, I need your answers to the above questions on or before December 12, 1983.

A. G. Beier
Chief Engineer
Brakes/Wheels
(219)461-5316

cc: L. M. Barnhart

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