

Plaintiffs' Exhibit
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MINUTES OF THE MEETING

of the

ASBESTOS STUDY COMMITTEE

Friday, February 16, 1973, at 9:30 A.M.
at the

Institute Office, E. 210 Route 4, Paramus, N.J.

EXHIBIT

14

8/28/09 DM

MEMBERS PRESENT

I. H. Weaver, Chairman
J. C. Henning

H. Wagner

E. H. Feierabend

Raybestos-Manhattan, Inc.
Firestone Tire & Rubber Co.,
World Bestos Division
Carlisle Corporation
Molded Materials Division
Abex Corporation
American Brakeblok Division

MEMBERS NOT PRESENT

T. Bell
W. Spurgeon

H. K. Porter Company
Bendix Corporation

OTHERS PRESENT

R. C. Wyatt
E. W. Drislane

Maremont Corporation
Friction Materials Standards Institute

The meeting was called to order by Mr. Weaver, Chairman, at 9:30 A.M.

MINUTES OF PREVIOUS MEETING

The Secretary read a summary of the Minutes of the Meeting held August 17, 1972. These minutes had been released and a motion for their acceptance had been obtained.

Upon motion duly made, seconded and unanimously passed, it was

RESOLVED: To accept the minutes of the August 17, 1972 meeting as distributed.

LABELING PRACTICES

The subject of labeling of finished friction materials was the first item on the agenda. While interpreting the OSHA requirements, it is noted that the hazardous warning label must be used where subsequent working of the materials would create airborne concentrations of asbestos fibers in excess of the exposure limits of the OSHA Standard. In many drilling and grinding operations without dust collectors, Committee Members indicated that the 10 fibers/cc ceiling concentration has been exceeded.

The Chairman mentioned a survey made in the Metropolitan area concerning the relining of bakery trucks. The survey (conducted by an individual affiliated with Mt. Sinai Hospital) indicated that during radius grinding and drilling of brake linings that the airborne concentration of asbestos fibers was in excess of the 10 fibers/cc ceiling value.

The results of our survey on Member practices for labeling was reviewed. The results had been updated showing that 15 Members had replied of the 25 Members questioned. The results indicate that the Membership is not now labeling in accordance with the OSHA requirements, and while they interpret the OSHA regulations to require labeling where subsequent machining is expected, they are undecided as to exactly what they will do as regards labeling. In the survey, 2 Members indicated that a "binder" treatment makes it unnecessary for the Member to label. He believes he is complying with the labeling requirement "No label is required where asbestos fibers have been modified by a bonding agent...so that during any reasonably foreseeable use...processing...no airborne concentration of asbestos fibers in excess of the exposure limits...will be released."

It is the view of most Members of the Committee that the 5 fibers/cc (TWA) is exceeded in many areas such as inspection, drilling, and grinding where there is no adequate dust collection machinery. This could happen in garages where subsequent drilling and grinding is often required and where there is no adequate dust collection equipment. While the Members with OEM accounts are dealing with manufacturers who should understand the OSHA regulations, the biggest problem may be with the small shops that are exempt from the requirements of the OSHA regulations. In an interpretation of the regulations, it is apparent that where subsequent working of the material can raise the airborne asbestos concentrations above the limits that the manufacturer is required to label the material. Would labeling of cartons suffice? The Committee felt that, yes, this would be labeling that would meet the spirit of the OSHA Regulations. Would it be necessary to put the warning label on individual segments? A Member mentioned that in many cases the carton, or wrapping, for the brake lining is disposed of before the brake lining moves in to the working area. It was felt that if the warning label were on the carton or skid when it was received by the customer that the customer has some responsibility to pass the information on, and it was not necessary to label the individual segments. In the discussion concerning labeling requirements, the Members had to distinguish between "where subsequent working will be required" as against "where there is any possibility that subsequent working will be required." Again the point was made that with undusted linings from a manufacturer it is likely that customer inspection, or possibly opening of cartons, could show airborne fiber concentrations in excess of the 5 fibers/cc (TWA).

In discussion of the reasons to support or oppose labeling requirements, the question was raised as to whether objections centered around the cost of the labeling. Members indicated that the direct cost of labeling could be minimal. Most labeling could be put on by the box manufacturer at little additional cost to the friction material manufacturer. The rejoinder to this was that the Members felt that it was not the direct cost that bothered them. Rather, it is the indirect cost of the customer reaction to the warning label. Will the customer be tempted to purchase his linings from a manufacturer who does not put the warning label on the cartons, giving an advantage to the manufacturer who does not comply with the law or to the foreign manufacturer who is not aware of and cannot be punished by the law?

Upon motion duly made, seconded, and unanimously passed, it was

RESOLVED: That (1) where asbestos containing materials do not have the asbestos fiber completely locked in, or (2) where subsequent operations may be performed on asbestos containing materials, the hazardous labeling practice be adhered to in accordance with the Label Specifications in the OSHA Standards for Exposure to Asbestos Dust.

The Michigan requirements for labeling toxic and hazardous materials were discussed. These had been sent to the Members of the Committee in December 1972. The Ford Motor Company had called to the attention of manufacturers the labeling requirements for hazardous substances pursuant to Act #282 of Michigan Public Acts of 1967. In the Michigan Standards there are specific labeling requirements concerned primarily with flammable and toxic materials. They do not specifically include asbestos. There are certain label requirements such as "DANGER, WARNING, CAUTION." The Federal OSHA requirements for asbestos specify CAUTION, which is the least sensational of the type headings used. Of course, the DANGER warning in the Michigan regulations is for materials that would be almost instantly lethal. However, it is difficult to tie in asbestos to the specific label required. It is felt by the Committee Members that adherence to the Federal OSHA requirements should be the first step taken. While the issue cannot be specifically resolved, it is felt that compliance with the Federal OSHA regulations for asbestos would indicate compliance with the Michigan regulations. While it is desirable that any label used by the Members should also cover the requirements of various state codes, the first step would be to get the Members to label according to the Federal OSHA regulations.

As regards the Committee's recommendation to the Membership, a decision cannot be made as yet on the size of the label. The OSHA regulations state that the label shall be "of sufficient size and contrast as to be readily visible and legible." Mr. Weaver has received some data on typical caution labels now in use. Mr. Wyatt will furnish the Secretary the label type that his firm is using. Based on the labels now in use, the Secretary will distribute this information to the Members of the Committee for their review. With this information, the Committee should be in a position to propose label specifications to meet the Federal OSHA requirements.

NEW YORK TIMES MAGAZINE ARTICLE
"ASBESTOS, THE SAVER OF LIVES, HAS A DEADLY SIDE"

Copies of this article had been distributed to Members of the Committee. In addition, based on requests from Members not associated with the Committee, there were additional copies of the article distributed. As the brake lining industry as such was not a specific target, it was felt that no reply to the Times article was called for by the Institute. Mr. Weaver brought to the meeting copies of another article in the Saturday Review of the Society entitled "An Asbestos Town Struggles With a Killer." This particular article concentrated on the Johns-Manville plant in Manville, New Jersey. This, of course, was not their brake lining facility. Other than the specifics of the individuals from Manville, the article relied on much of the same background that appears in the article in the New York Times.

No action is planned on these articles, but they are almost required reading.

HEALTH EXAMINATION REQUIREMENTS OF OSHA

All Members of the Committee are aware of the medical examination requirements in the OSHA regulations. All have taken steps to comply with these requirements. The basics of the OSHA requirements are a preplacement examination, an annual examination and a requirement as regards termination of employment. These requirements are for workers who are "exposed to airborne concentration of asbestos fibers." Note that there are no specific limits which tell whether an office employee who must make occasional trips into the factory area is exposed to airborne concentrations of asbestos fibers. The treatment of this is possibly best carried out by meeting the spirit of the regulations in including those employees in the examinations who are exposed to concentrations in excess of 1 fiber/cc (as used by one member).

The interesting service by International Compumetics was discussed. The International Compumetics Corporation, located in Princeton, New Jersey, proposes a series of mobile medical tests which would include the full examination requirement, computerized medical records, at a price that appeared interesting to the Members. They will also provide a \$500,000 "Errors and Omissions" insurance policy to the company for their program. Two of the Committee Members had investigated International Compumetics and while they were not long on experience as regards medical background, they apparently did have some computer capabilities. Also, it was felt that they may have the talent to accomplish what they propose to do. One Member planned to use the ICM services in one of their factories. Another Member considered using their services in a factory which later was scheduled for closing.

Another Committee Member suggested that while the International Compumetics proposals are interesting that it might be possible to do what they have done even more reasonably. They work with their local Tuberculosis Society in scheduling examinations in the mobile unit. The Tuberculosis Society does the X-Ray and pulmonary function examinations. The company doctor, in the meanwhile, does the balance of the medical examination. Where local tuberculosis units wish to cooperate, this might be advantageous to both the manufacturer and the worker. In a review of the proposal by International Compumetics Corporation it is indicated that they will do everything that is required by the OSHA regulations.

The Institute Office will let the Membership know of the availability of the services of International Compumetics Corporation. We will not make a specific recommendation. The Chairman also mentioned that there was a New York group that had proposed some similar services and that we should also let the Membership know about them.

One Member who has already planned to use the International Compumetics Corporation proposal will let us know his evaluation of them after they have finished their tests. In direct answer to the question from Mr. Iverson, President of International Compumetics Corporation, we will not give them our mailing list. Rather, we will advise our Members of their services.

ASBESTOS BAG OPENING MACHINERY

The Institute had sent out to the Membership information on manufacturers of specialized bag opening machinery. The problem here is to keep the asbestos fiber concentrations minimized during bag opening and to properly dispose of any asbestos dust still left in the bags. The list of those manufacturing bag

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Chairman advises that this report was to have restricted circulation and that the International Agency for Research on Cancer had not officially released the report. As we may have been premature in distributing the report, it is suggested that the Members restrict their circulation of any information contained in that report.

THE EPA STUDY OF PARTICULATE EMISSIONS
FROM BRAKE LININGS AND CLUTCH FACINGS

The Bendix Corporation has been running tests on vehicles and on dynamometers to entrap the wear debris of brake linings and clutch facings. This study is under contract to the Environmental Protection Agency. Originally, the report was to have been made in 1972.

Dr. Spurgeon, of the Bendix Research Laboratories, advises that a final report should be published on these particulate emissions sometime within the next six weeks. There is no indication as to what these results show, as the work (at this stage) is not for publication.

STATISTICAL EVALUATION OF THE MEMBRANE FILTER METHOD

The Chairman distributed to the Committee the conclusions and recommendations in a report made for the Asbestos Information Association on the precision and accuracy of the Membrane Filter Method for measuring concentrations of asbestos fiber. This report was done by the LFE Corporation under contract for the Asbestos Information Association. The evaluation was not reviewed by the Committee Members at the meeting.

NIOSH RECOMMENDATIONS AS REGARDS HEAT STRESS

This particular area does not pertain specifically to asbestos. However, most of the brake lining and clutch facing manufacturers work with hot presses and various ovens. The recommendations as regards heat stress will affect most of the Members. A Member's work in the area of heat stress measurements was distributed for their review, along with a copy of the NIOSH recommendations. Again, as this information was new to some of the Committee Members the data was distributed and not discussed.

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There being no further business brought before the Committee, upon motion duly made, seconded and unanimously passed, it was

RESOLVED: To adjourn.

Adjourned at 1:00 p.m.

E. W. Drislane
Secretary