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PLAINTIFF'S EXHIBIT WV-00282

PLAINTIFF'S EXHIBIT 628.0

ASBESTOS INFORMATION ASSOCIATION
NORTH AMERICA
1835 K Street, N.W., Washington, D.C. 20006 • (202) 223-4885

EXECUTIVE COMMITTEE MEETING

Thursday, December 8, 1976

Washington, D.C.

The meeting was called to order at 9:05 A.M. in the Association office. Present were:

Thomas A. Dougherty	Certain-teed Corp., President, AIA/NA
George Barge	Atlas Asbestos Co.
Guy G. Gabrielson, Jr.	Nicolet, Inc.
John Marsh	Raybestos-Manhattan, Inc.
Dimitry Poutiatine	Johns-Manville Corporation
Robert H. Mereness	Executive Director, AIA/NA

Others:

B. J. Pigg	Administrative Assistant, AIA/NA

Minutes

On motion, minutes of previous meeting, November 11, 1976 were approved as submitted.

Financial Report

Financial Report for calendar year (fiscal) 1976 as of November 30, 1976 was reviewed. Mr. Barge said that the report did not reflect any unanticipated expenditures. The payment of $12,144 to Equitable Environmental Health, Inc. for September billing in connection with Phase I of the Association's contracted study on the construction industry was the principal reason for an increase in negative variance which had been steadily declining under accrual accounting. He noted that the 1976 budget has not been revised to include this project.

Income from the special assessment (at 13% of dues to meet current contracted study obligations) has been received with one exception. Total income from the special assessment is expected to be $49,100.

EXHIBIT 35

As of November 30, the Association had total assets of $136,486; liabilities of $39,134; and a net worth of $97,352. The financial report was accepted as submitted.

1977 Proposed Budcet

Attention was invited again to the Association's proposed budget for 1977. The Committee had reviewed the proposed budget in detail at its November 11 meeting.

Mr. Poutiatine made reference to a paper dated November 2 prepared by Mr. H.D.S. Hardie concerning a formula for supporting the activities of the U.K.'s Asbestos Information Committee. Mr. Marsh said he was familiar with the document and discussed its content.

The Committee agreed that the 1977 budget requiring membership dues of $370,000 should be proposed to the Directors in meeting December 9. Other income would bring total receipts for budget purposes to $385,850 with total disbursements reflecting the same amount.

Consideration was given to the 1977 dues structure for members in light of the proposed budget and anticipated revision of Association By-Laws which would permit an associate membership category. It was agreed that the following dues formulae would be presented to the Directors.

I. Regular Members

a) Dues for users of raw asbestos fiber will be based on a millage rate of dollar value of asbestos fiber consumed (freight excluded) in previous calendar year with a minimum of $2,000 per annum.

b) Dues for miners of asbestos fiber will be on a millage rate of dollar value asbestos fiber sold in North America during previous calendar year with a minimum of $2,000 per annum. The millage rate will be one tenth of the rate established for consumers of raw fiber.

c) Dues for sellers of asbestos fiber will be $2,000 per annum, the minimum rate for all members.

II. Associate Members

Dues will be at a flat rate of $500 per annum.

Millage rates will be determined by the Association's accountant following receipt of pertinent information from members obtained through use of a confidential questionnaire.

The Executive Director was requested to advise the Association's accountant that the questionnaire to members which requests asbestos fiber consumption during 1976 should be mailed the first week of January 1977. Dues billing for first quarter 1977 will be at the same rate as fourth quarter 1976 with adjustment in remaining three quarters for new computation.

Mr. Dougherty suggested that nonmember firms who receive the Association's "News & Notes" should be advised periodically of AIA/NA's work on behalf of the total industry and the expense involved. Mr. Barge said this should be accomplished every six months. Mr. Gabrielson proposed that individual firm contributions of $500 be sought. It was agreed that nonmember firms should be encouraged to make a financial contribution to the Association. A program to implement this decision will be initiated by the Executive Director.

The proposed budget for 1977, as developed by Mr. Barge, was approved for presentation to Directors.

Remarks of the Executive Director

The Executive Director said he had been advised by a reliable OSHA spokesman that certification of the Inflationary Impact Statement (IIS) as prepared by CONSAD Research Corp. was being delayed until receipt of Research Triangle Insitutute's economic impact analysis of the construction industry in order to permit concurrent review of these studies within Department of Labor. RTI's report is due January 31, 1977. In regard RTI's progress, the project director, Dr. David Le Sourd, has stated that the format and method of presentation for their study is being rewritten at the direction of OSHA. He said, however, they believe key information to complete their study is in hand but much work remains to be accomplished in analysis of information and document preparation.

Reference was made to OSHA's response to the AIA/NA letter prepared by Dr. Rhodes of November 1 which called attention to discrepancies in the transcript of the June 29-30, 1976 meeting of the Advisory Committee on Construction Safety and Health concerning medical surveillance. OSHA has revised the transcript as recommended by the Association and so advised by letter.

In EPA, current emphasis is on implementation of the new Toxic Substances Control Act. It is not expected that provisions of Act will affect asbestos in forseeable future. Immediate concern is directed to chemical substances. EPA will make decision by December 1977 whether to propose standards for control of "asbestos" emissions from taconite plants based on current ongoing studies. Revised National Drinking Water Regulations

to establish treatment techniques or maximum contaminant levels are scheduled for issuance in May 1977.

MESA's Federal Metal and Non-metal Mine Safety Advisory Committee has recommended change for current 5f/ml to 2fp/ml with probable effective date late 1977. Since public advisory committee proceedings were "open", a public hearing on this proposal is not necessary nor planned. The newly established Bureau of Mines Metalury Research Center, College Park, MD involved with asbestos particle identification was discussed.

It was reported that the staff report on the petition filed with the Consumer Product Safety Commission (CPSC) by Natural Resources Defense Council, Inc. and the Consumer's Union of U.S.A., Inc., for promulgation of rule banning certain asbestos-containing patching compounds is now under review by the CPSC solicitor.

A report on the highlights of the following two meetings of interest was given: National Research Council's Symposium of Public Information on Cancer Prevention on December 2-3 in Washington, D. C., and Society for Occupational and Environmental Health annual meeting on December 6 in Washington, D. C. It was noted that the workers right to know if he is exposed to a carcinogen or other health risk is prevailing but implementation of information programs is difficult. AIA/NA was cited for its information program in the asbestos industry.

Report of the Chairman, Asbestos Regulation Task Force

Mr. Gabrielson said he had nothing further to add to the status review of the proposed revision to the manufacturing standard. With regard to the construction industry study being conducted by Equitable Environmental Health, Inc. (EEH) for the Association, he said certain key data in Phase I is lacking, but that it will be obtained during Phase II now in progress. As to cooperation of members with EEH in the conduct of the study, he observed that those in the floor tile segment of the industry have been the least responsive. Mr. Gabrielson expressed some disappointment with the results of EEH's study thus far, but in general he said, he was satisfied and felt the company now has a better feel for the complexities of its task and the amount of work required for thorough research and analysis. He reported that the Association would be billed by EEH in the amount of $19,300 for October expenses, $29,000 for November, and $12,000 is expected for December. The Executive Director was requested to pay the October bill upon receipt and the November bill (expected to be issued third week of December) after December 31, 1976.

Mr. Gabrielson reviewed current status of the Legal-Medical Research Program. He said that a productive meeting had occurred on December 3 with Dr. Enterline (University of Pittsburgh), Messrs. Alcorn and Officer (Cadwalader, Wickersham & Taft) and himself. In regard to Dr. Enterline's project, work on bronchogenic cancer portion is complete with exception of about 20 German papers now pending translation and review. A large segment of the mesothelioma study is also complete. Mr. Gabrielson explained that the literature review by Dr. Enterline would now include asbestosis in order to determine when this disease was accepted as related to different products, industries or processes. Expansion of the study to include asbestosis had been urged by Messrs. Carter and Markusson of J-M since it was considered that a chronology in this area would be useful in litigation of asbestosis-related cases by the industry. In addition, the decision has been made to include literature review of other types of cancer, e.g., laryngeal and gastrointestinal. Mr. Gabrielson said Dr. Enterline has completed most of the literature review for the period 1933 - 1968 and his best estimate is that the entire project is 50% complete to date. The finished work product will consist of : (1) complete file of all papers reviewed; (2) critical quotations from each paper in three-ring binders; (3) card file index with brief summary of each paper; and (4) a scholarly paper.

Mr. Gabrielson said special counsel had commenced the interview process of physicians around the country who might qualify as expert witnesses in ~~any injunctive proceeding or other~~ litigation. Two types of witnesses may be required in order that both condition of plaintiff and state of the medical art could be addressed. Mr. Gabrielson stated he was unable to provide an estimate for completion of the legal phase of this program; however, expenses on an accrual basis may approximate $10,000 for the remainder of 1976.

Reference was made by Mr. Gabrielson to his letter to Directors dated November 12 which addressed an Association captive insurance program. This subject will be discussed as an agenda item at Directors meeting December 9. Messrs. March and Poutiatine said their respective companies were in favor of pursuing a feasiblity study of the matter. Mr. Poutiatine added that Walter Cartner, J-M's manager of insurance, was available to assist the Association as may be required.

Agenda for Board of Directors Meeting

The proposed agenda for the Directors meeting December 9 was approved with minor changes.

Activity Area Reports

Mr. Dougherty suggested that financial affairs and medical/international affairs continue to be areas of responsibility for Messrs. Barge and Marsh respectively. Responsibility for the Committee's guidance and direction in other activity areas was suggested to be handled on an ad hoc basis.

Other Business

Mr. Dougherty said Mr. Feierabend had advised his promotion within his company and move to Columbus, Ohio, would necessitate his resignation from the Executive Committee. He said the Abex Corporation representative on AIA/NA Board of Directors would be formally advised. Mr. Dougherty expressed appreciation for the outstanding contribution of Mr. Feierabend to the Association's work. Following discussion, it was agreed that Mr. Schwarz, Vice President, Supradur Manufacturing Corp., would be invited to serve on the Executive Committee.

The subject of potential associate members in the Association was again discussed to include contact by member companies, use of "News & Notes" with an appropriate letter speaking to the work and financial committments of the Association, and contact with firms who endorsed or were recipients of the AIA/NA response to OSHA on the proposed revision to the asbestos standard (manufacturing).

The next regular meeting of the Executive Committee will be held in the Association office commencing at 9:00 A.M., Thursday, January 13, 1977.

Adjournment

There being no further business, the meeting was adjourned at 4:25 P.M.

R. H. Mereness
Executive Director

December 13, 1976