the product with an appropriate warning, stating prohibitions against particular use and providing an antidote in the event harm is encountered. Having done that, there is not much more he can do.

If, therefore, he meets that requirement—puts an adequate warning on his product—the unwillingness of an ultimate user to take advantage of the knowledge that has been made available to him, either refusing to read it or failing to understand that which is clearly understandable does not create a liability. On the contrary, it constitutes on the part of the consumer, the party injured, a fault which would bar any right of recovery that he should have against a manufacturer.

MR. OVIATT: On the other hand, what you are really saying is that the manufacturer does not have to police his customers.

MR. BAILE: I think that is a fair statement.

MODERATOR AHEARN: I believe the audience appreciated that additional contribution from both of you.

By the way, I forgot to say in opening this meeting that at the request of the panel, I want to make it clear that the members of the panel are speaking only for themselves as individuals and are not to be regarded as committing their companies in any way. I think we may assume that they and their companies are fairly close together.

We will go on to the next question now: "In what way can the producer of a toxic substance aid in securing its safe use by education, research, and development of control measures?" Mr. Hatch.

MR. HATCH: We agreed in a preliminary panel meeting this morning that this question answers itself. The point is, how can we get the producer to recognize and accept his responsibility?

We have many examples in which the manufacturers of toxic substances have recognized and assumed responsibility in this respect, even to the extent of requiring the customer to show evidence in advance that he has made adequate provisions for the safe handling of the material before they will supply it to him.

I recall when I was with the New York Labor Department that one company which was producing and distributing a highly toxic material required every potential customer in New York to get the approval of the State for their proposed control. In the case of another toxic substance one of our large chemical companies has set up an elaborate program of education of the ultimate consumer of the material, in recognition of the very important fact that, without adequate safety measures, serious difficulties were bound to result.

I would like to turn to the last item: the development of control