

VOLUME 8 (CMA 38699 - 39183)

1/26/27/87 (CMA 38699 - 39183) - CMA Board of Director Meeting Minutes (CMA 12667 - 670 and 3702 - 812).

The "Chemnet " Report indicated that, "Although liability had been a major concern inhibiting the participation of some companies, the first year's experience did not result in any litigation against CHEMNET Responder." (CMA 38704). The "problem" giving rise to the CHEMNET Program is described as insuring "an effective program to reduce the risk of chemical shipments and negative publicity from accidents..." (CMA 38718).

CMA concealed the membership of its CHEMNET Group, reflected at CMA 38718 - 719).

CMA concealed the Texas Chemical Council Presentation which described "the development of an innovative Grassroots Program -- The Associated Chemical Industry of Texas (ACIT). So the TTC developed a Grassroots Program --- the ACIT. (CMA 38704)

The TCC, represented by its chairman, Mr. Charles T. Seay (Exxon Chemical Americas) gave a presentation which was so well received it resulted in a CMA endorsement. The TCC's recommendations that CMA "individual member companies provide support for... Plant Managers in their work with government relations, public affairs, CAER, etc.... Increased company supplier, and customer support for the Texas Civil Justice League (TCJL) tort reform co-hilitation) and the Associated Chemical Industry of Texas (a co-hilitation of business and support of chemical industry interests)... "Increase political and PAC activity in support of business candidates..., etc.

The Distribution Committee of the MCA Board of Directors "was successful in getting the Interstate Commerce Commission to over rule the efforts of a major railroad to flag out of its common carrier responsibilities to move certain chemicals" and its discussion of the HAZMAT (Hazardous Materials Transportation Act) that wasn't re-authorized in 1986, but was expected to receive "considerable attention in 1987. The Distribution Committee took advantage of this time to promote the CMA position adopted at last January's Board Meeting. CMA will continue to take a LEAD ROLE in the development of reasonable legislation governing the transportation of chemicals." [EMPHASIS SUPPLIED].

The report of the Texas Chemical Council claims that the TCC is "unique" in its "successful development of a broad based Grassroots Support Organization consisting of suppliers and service firms along with manufacturers

that are TCC members...", i.e. the ACIT, The Association of Chemical Industry of Texas, with over 300 member companies, compared with the TCC's 84.

"Texas is important to the chemical industry, and the chemical industry is important to Texas." And the TCC has "represented chemical industry interest in Texas for more than 34 years."

CMA concealed that the TCC was a "founding member" of the Texas Civil Justice League (TCJL) which, since the time of its formation, had grown to include "over 400 TCJL members including cities, railroads, engineers, newspapers, chemical companies, hospitals, school districts, builders, and many other businesses and professions..." and had legislative objectives in the way of tort reform.

"Developing Grassroot Support is critically important to success and consists of efforts to educate employees in public, formation of local steering committees, recruiting new TCJL members and targeting various legislatures reluctant to accept tort reforms." (CMA 38722). The CMA concealed that the TCC's "key objectives" and besides the TCJL Tort Reform Coalition (endorsed, and concealed, by CMA at 38704) including limiting "control of air toxics to regulations that rely primarily on responsible self-management by industry." As well as gaining "recognition of need for more reasonable agency enforcement policies" and public relations efforts "with media, agencies, environmentalists, and public interests groups as co-sponsors." (CMA 38723).

CMA concealed the report of its Health and Safety Committee indicating "major priority for the next 5 - 10 years will be Worker Health and Safety Issues such as the adequacy of work place regulations, inspection mechanisms, chronic disease detection and compensation mechanisms" as well as its discussion of the need for CMA members to follow the Bureau of Labor Statistics (BLS) Guidelines for reporting injuries." (CMA 38705 and 38725 - 728).

The CMA concealed the existence of its Health and Safety Committee (HSC) (CMA 38725) which, at least by 1986, had "developed effective legislative, regulatory and member services programs that were highly successful" and which related to "proposed Federal Legislation and Regulations" and enhancing "CMA's and the Chemical Industry's image among the public" with regard to health and safety issues. (CMA 38725).

CMA boasts of having "made convincing arguments against proposed public compensation provisions" in the new Superfund Legislation. (CMA 38725).

CMA concealed its HSC's boasting about its successes with regard to proposed Health, Safety and Environmental Regulations and Laws, including Right-to-Know and HSC's having worked closely with OSHA in the Bureau of Labor Statistics to adopt uniform guidelines for reporting occupational injuries and illnesses" which "proved largely successful in dealing with OSHA's new Citation and Penalty Policy." (CMA 38725).

The CMA concealed that "For 1987, a strong emphasis on health and compensations programs will be the focus of the HSC's activities." (CMA 38725).

Consistent with its prior systematic concealment of information which is relevant to the understanding of the activities of CMA Panels and their activities, CMA concealed the origin of the Health and Safety Committee as resulting from the merger of "2 Standing Committees and 2 Special Executive Committee Task Groups" in January, 1985. (CMA 38726). The documents reflecting this merger have not been produced at the present time.

CMA concealed the HSC's "perceived" "Legislative threats contained in the Federal Superfund and Worker Notification Bills" which would "dramatically change the future course of chemical company's health, safety and compensation programs..." .

The Superfund Bill from early 1986 "would have required specific process safety systems in chemical plants, extensive reporting of chemical mass balance information, and broad expensive health programs for people with little or no significant exposure. In addition, a Federal compensation system with changes to state tort laws was proposed. It would have greatly expanded company's liability potential." (CMA 38726).

CMA concealed its boasting of "CMA substituting a more sound alternative" into the "Superfund Amendments [as] signed into law..." (CMA 38726). In an activity directly relevant to Daniel Ross, "legislation to classify workers in high health - risk groups was successfully postponed during 1986" as well as two separate "worker notification bills" thanks in part to the HSC. (CMA 38726).

The CMA concealed the HSC's boasting concerning its influence with OSHA, and specifically with regard to records inspection programs, including its ability "to diffuse the troubling OSHA policy on record keeping finds that began with the unprecedented \$1.3 million fine at an Institute of West Virginia." (CMA 38727).

"At EPA, the Committee focused on the agency's unbending conviction that chemical substances, in general, have insufficient toxicological testing to

evaluate their risk to health and the environment" and if the regulatory process under TSCA was "too slow and cumbersome" to address the problem. Environmental Interest Groups concurred with the EPA. In evaluating this situation, HSC looked at how it might resolve basic concerns about the TSCA Program without unfavorable Congressional changes to the law. It included that participating in an informal dialogue group with all interested parties" was the ticket, which resulted in a consensus agreements on negotiated testing and follow-up reporting of new chemicals.

The CMA concealed the existence of "a Quarterly Newsletter on Health and Safety Issues, which has quickly become 'must' reading for corporate regulatory affairs managers." (CMA 38727).

CMA concealed references to the "close ties" between its HSC and, for example, "distribution and environmental management committees... essential for maintaining consistency in our Health and Safety Policies for the industry."

CMA concealed that many of the challenges facing these committee's [the distribution and environmental management committees being assisted by the HSC], are driven by the public's concern about health effects from exposure to substances that we transport or release into the environment. HSC believes it is essential that we avoid inconsistency in our health policy and could undermined CMA's credibility and effectiveness as The Chief Chemical Industry Trade Association." It is for this reason that CMA has been "diligent in collaborating closely with its CMA counterparts and ensuring that positions on both Federal and State Regulatory Initiatives are consistent. Coordination with CMA's State Affairs Program is monitored routinely as a result.." (CMA 38727 - 38728). This information is relevant to Plaintiff's consertive action and conspiracy claims should not have been concealed.

CMA concealed its plans for the future to "direct a majority of its efforts at addressing health concerns..." (CMA 38728). CMA concealed the recognition of its HSC that "health concerns about employee's exposure to chemicals in the work place has already surfaced as a key issue for the coming year" and that the Committee would "spend significant effort in developing and recommending legislative policy on occupational disease assessment control, and compensation" including worker notification and medical surveillance. (CMA 38728). "As has been the traditionally, the bulk of HSC's resources will be directed towards regulatory response." (CMA 38728). "Much work will be needed to ensure the implementing regulations are reasonable, effective, and not excessively costly." (CMA 38728). HSC says it will need lots of money to carry out its programs: "especially critical to this Committee's success is active participation of company experts, particularly with health science and health policy expertise.