

THE FLINTKOTE COMPANY  
INCORPORATED  
BUILDING PRODUCTS GROUP  
480 CENTRAL AVENUE • EAST RUTHERFORD, N. J. 07073

U. U. Stabler

PLAINTIFF'S EXHIBIT

ACPA-7

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January 7, 1969

Mr. Frank H. Zimmerman  
Director of Safety  
National Gypsum Company  
325 Delaware Avenue  
Buffalo, New York 14202

Dear Frank:

I was delighted to receive Al Fay's letter of December 30 indicating that you will be National's representative on the Health and Safety Council and available to work on the subcommittee we are forming. Since you could not be with us at our first meeting I am sending you a copy of the Minutes.

As I see our objectives, we have first to reassure the users and handlers of our finished products and allay the fears that may have resulted from the unfavorable publicity on health injuries to those exposed to excessive quantities of asbestos dust over long periods of time. Cliff Scheckler's committee is working on this and we should have something wrapped up soon for publication.

If there is a hazard in our industry it is much more apt to exist in handling asbestos fiber in our plants. I think this could develop into one of the most important aspects of our work and the subcommittee gathering information will have one representative from each company. I would very much like to have you act as Chairman of this subcommittee with all the assistance I can give you. I visualize this committee as being composed of safety and operating men rather than being sales oriented. Without circumscribing the scope of the committee's work it can be a means of exchanging information between the companies on the hazards and on ways to control the hazards. Secondly, the committee can consider such things as disposal of asbestos waste and control of asbestos dust leaving the environment of the plant and entering the environment of the workers homes and the plant neighborhood.

KOPY KORNER DIVISION  
Koples, Inc.  
P.O. BOX 11881  
CHARLOTTE, N.C. 28221

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Mr. Frank H. Zimmerman  
National Gypsum Company  
January 7, 1969  
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So far I have heard from six of the members and their representatives on the committee will be:

|                 |   |                       |
|-----------------|---|-----------------------|
| National Gypsum | - | Frank H. Zimmerman    |
| Johns-Manville  | - | Clifford L. Scheckler |
| Flintkote       | - | Walter N. Knorr       |
| GAF             | - | Harry Mesler          |
| Supradur        | - | Kurt Schwarz          |
| U.S. Gypsum     | - | Gerhardt R. Krug      |

With the exception of Kurt Schwarz these are all safety men. I haven't heard from the other companies as yet.

I hope you will be able to give the Chairmanship favorable consideration and that you will be with us at the next meeting of the Council on February 18 which will be held at the Biltmore Hotel, New York. I am trying to get Dr. Wright to address this meeting.

Kind regards.

Yours very truly,

JAM:vgp  
Attachment

*JAM*  
J. A. Main

cc: Mr. Albert H. Fay  
Vice President, Marketing  
National Gypsum Company  
325 Delaware Avenue  
Buffalo, New York 14202

Mr. J. W. Duncan  
Vice President  
National Gypsum Company  
325 Delaware Avenue  
Buffalo, New York 14202

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Minutes of the Meeting of the

HEALTH & SAFETY COUNCIL/ACPA

November 14, 1968

A meeting of the members of the Health & Safety Council of the Asbestos Cement Products Association was held pursuant to notice at the Board Room of The Flintkote Company, 201 East 42nd Street at 9:30 A.M. on November 14, 1968. The following persons were present:

|                  |                                                                            |
|------------------|----------------------------------------------------------------------------|
| A. H. Fay        | National Gypsum Company                                                    |
| D. L. Hayes      | Laverack & Haines, Inc. (Insurance<br>representatives for National Gypsum) |
| J. A. Main       | The Flintkote Company                                                      |
| W. M. Knorr      | The Flintkote Company                                                      |
| E. C. Cerny, Jr. | Johns-Manville                                                             |
| C. L. Scheckler  | Johns-Manville                                                             |
| J. G. Hall       | GAF                                                                        |
| Harry Messler    | GAF                                                                        |
| A. E. Alpine     | Certain-teed Products Corp.                                                |
| C. M. Brasher    | Philip Carey                                                               |
| Fred Netter      | Supradur                                                                   |
| Kurt Schwarz     | Supradur                                                                   |
| G. R. Krug       | U. S. Gypsum                                                               |
| C. I. Read       | Atlantic Asphalt & Asbestos                                                |
| Bradley Walls    | Davies, Hardy, Loeb, Austin & Ives                                         |

Mr. Fay, as President of ACPA, opened the meeting with a few introductory remarks and noted the long involvement of the ACPA in that industry. He recited the concern of the Association in possible problems involving health and asbestos. The seminars held at the offices of Johns-Manville during the summer demonstrated to the asbestos cement manufacturers the size of such problems, and have lead to the creation of this Health & Safety Council. Mr. Fay stated that the Council was not created to undertake research projects. Its function mainly concerns the exchange of information designed to promote and foster health and safety policies and programs for the asbestos cement industry. Mr. Fay announced that he and the Board of Directors of the ACPA had unanimously requested Mr. Main of The Flintkote Company to serve as Chairman of this Council.

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Mr. Walls presented the draft of the By-Laws of the Health & Safety Council of the ACPA as circulated among our representatives in July 1968. On motion duly made and seconded, it was unanimously resolved that the aforesaid By-Laws be adopted for the Health & Safety Council.

Mr. Walls, acting as interim treasurer, reported that a separate bank account had been opened in the name of the Council at the Bankers Trust Company in New York and that the balance in the account is \$500 which represents a contribution from ACPA in the amount of \$50 for each of its members (Atlantic Asphalt & Asbestos, Flintkote, GAF, Johns-Manville and National Gypsum) and \$50 each from Certain-teed, Cement Asbestos Products Co., Philip Carey Corp., Supradur Corp. and U. S. Gypsum. The report of the interim treasurer was accepted as presented.

Mr. Main called upon Mr. Scheckler of J-M to report on the proposed pamphlet entitled "Recommended Health Safety Practices For Handling And Applying Asbestos Cement Products". Mr. Scheckler stated that the proposed pamphlet was designed to supplement two booklets already issued by the National Insulation Manufacturers Association. One of these booklets concerned thermal insulation products containing mineral fibers and the other concerned thermal insulation products containing asbestos fibers. The intent of issuing these booklets to contractors by the members of NIMA was to protect their employees and themselves legally. The present draft booklet on handling and applying asbestos cement products has been delayed until this Council was organized. Mr. Scheckler noted that the booklet was designed for contractors and those at job sites who handle asbestos cement materials. He noted that the booklets prepared by NIMA were not intended for workers per se although the unions concerned were given copies. Mr. Scheckler stated that the proposed booklet on asbestos cement products might be given to job foremen.

During discussion of the draft pamphlet, it was noted that the contractors who handle asbestos cement products may be too numerous in the siding field for effective distribution although contractors handling corrugated materials might not be. Some inquiry was made as to the possibility of limiting distribution to the operating branches of the industry while others indicated that distribution should be made to the users. Others were of the opinion that such a booklet could be distributed to industrial users of asbestos cement products and possibly to maritime users.

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The consensus was that the present draft concerned field fabrication of asbestos cement products more than it concerned the handling of such products. Mr. Scheckler stated that a working committee was needed to check out the hazards in the asbestos cement industry before the booklet is issued.

During discussion, it was noted that there were cases in common law negligence (outside of Workmen's Compensation) presently pending in several jurisdictions. The indication was that health problems involving asbestos cement products were resulting in a growing amount of litigation.

Because the Asbestosis Research Council of England puts out pamphlets which relate to each specific use of asbestos, members of the meeting felt that the present draft was too general, and it was noted that each product containing asbestos may have problems peculiar to that product.

A motion was made and seconded that the Chairman appoint a committee to consider booklets and that any booklets issued by this committee be related to the end use of the products. The motion was unanimously adopted.

The Council considered objectives and activities and discussed "in plant environment". It was noted that the Quebec Asbestos Mining Association has proposed a cautionary notice on bags of asbestos fiber. It was noted that some manufacturers issue such notices at present. Other members related their experiences in conducting dust analyses at every point and raised the problem of the handling and disposition of empty bags that contained asbestos.

Mr. Scheckler reported the creation of a health force task team at J-M which meets bi-monthly. The policy of J-M is to inform its employees of the problems as they are observed and to work with them in resolving the problems. To that end J-M maintains four laboratories and sixteen industrial hygienists who conduct air samplings at every location at least once a year and more if required. Such sampling is done in cooperation with the United States Public Health Service. The meeting considered the possibility of an environmental control standard being adopted.

On motion duly made and seconded, it was resolved that the Chairman appoint an in plant committee to study and report on what is being done in asbestos cement factories and to report on

relevant activities of the Quebec Asbestos Mining Association. This subcommittee is to be composed of one representative from each member of the Health & Safety Council.

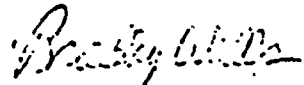
Mr. Main discussed further with the Council the areas of communications and public relations; the possibility of distributing reports on the findings of this Council and of its subcommittees; the legal and insurance aspects of health problems involving asbestos cement products and the need of all members to be kept informed on developments in each field.

The meeting considered the funding of the Council and decided that initially a budget should be prepared which would provide for basic expenses. It was agreed that special projects pursued by the Council would be funded by special assessments. It was also agreed that each representative would be responsible for his own luncheon bill and incidental expenses attendant upon each meeting.

It was the consensus that the Council should meet quarterly during its inaugural stage. The following target dates were established for meetings to be held at the Hotel Biltmore in New York City on the following Tuesdays: February 18, 1969, May 20, 1969, August 19, 1969 and November 18, 1969.

There being no further business to come before the meeting, it was on motion duly made and seconded, until February 18, 1969 or such other date as may be appointed by the Chairman, adjourned.

Respectfully submitted,



Bradley Walls

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