

MANUFACTURING CHEMISTS ASSOCIATION
MINUTES OF MEETING
LEGAL ADVISORY COMMITTEE
Conference Room of Wilmer, Cutler & Pickering
1666 K Street, N. W., Washington, D. C.
November 4, 1976

PRESENT

Edwin J. Putzell, Jr., Chairman
James I. Wyer, Vice Chairman

Monsanto Company
American Cyanamid Company

Robert H. Bidwell
Brian D. Forrow
James H. Hanes
Bernard J. McNamee
John A. Stichnoth
S. Maynard Turk
Donald P. Walsh
Charles E. Welch

Exxon Chemical Company
Allied Chemical Company
Dow Chemical U. S. A.
Hooker Chemicals & Plastics Corp.
Union Carbide Corporation
Hercules Incorporated
Shell Oil Company
E. I. du Pont de Nemours & Company

Bruce M. Barackman, Secretary
William J. Driver (part of meeting)
Daniel K. Mayers, Outside Counsel

Manufacturing Chemists Association
Manufacturing Chemists Association
Wilmer, Cutler & Pickering

ABSENT

Keith W. Blinn
Leon C. Holt, Jr.
Peter H. Kaskell (alternate designated)
Iver C. Macdougall
Arloe W. Mayne
E. J. Mooney (alternate designated)
Russell J. Parsons

Continental Oil Company
Air Products and Chemicals, Inc.
Olin Corporation
Stauffer Chemical Company
Ashland Oil, Inc.
Nalco Chemical Company
Borg-Warner Corporation

GUESTS

Karl R. Barnickol
E. McIntosh Cover
(alternate for Mr. Kaskell)
Terence J. Gallagher
James Lambe
(alternate for Mr. Mooney)
Victor H. Peterson (part of meeting)
Edward M. Taylor

Monsanto Company
Olin Chemicals

Pfizer, Inc.
Nalco Chemical Company

Manufacturing Chemists Association
IMC Chemical Group, Inc.

4. Reports by Staff Counsel and Outside Counsel Mr. Barackman reported that the Board approved the recommendation for an inside vice president and general counsel, and that the Executive Committee approved continuation of MCA's safety publication program subject to satisfactory accommodation of the legal recommendations and with the requirement that it be financially self liquidating.

Mr. Barackman further reported that in the Arnstein case a pretrial settlement conference has been scheduled for November 4, 1976, before Judge Fullam (later rescheduled for November 23), and that the Arcell case was still in the fact-finding stage. He also advised that on October 29, 1976, The Travelers hosted a conference to which insurance carriers in the Arcell case, but not local counsel, were invited. At the request of local counsel, Mr. Barackman attended in order to report developments. At this meeting a small group, with no authority to make a commitment, was designated to represent the carriers in an informal discussion with plaintiffs' attorneys to ascertain the magnitude of plaintiffs' demands, were a settlement based on litigation costs to be considered.

The LAC recommended that MCA not be represented in further meetings of this type without local counsel being present.

Mr. Mayers reported on the pending study being conducted by an "Interagency Task Force on Product Liability," chaired by the Under Secretary of Commerce. (See p. 40529, Fed. Reg., September 20, 1976.) It is understood the task force will focus more on traumatic injuries as opposed to long-term occupational illnesses. A final report is expected by December 15, 1976. The LAC considered this a matter for individual member company response.

5. Proposed Public Relations Committee Task Force on Environmental Matters Mr. Peterson, MCA's Director of Public Relations and Education, described the Public Relations Committee plan for a task force to serve as a coordinating group for public appearances by the leading and best spokesmen of the chemical industry. By such appearances, industry's story regarding the effect of chemicals on human health and the environment can be placed before the public. To this end, a meeting of chairmen from the various concerned MCA committees, including the LAC, was suggested to explore what could be done collectively. Mr. Putzell, on behalf of the LAC, accepted the invitation to meet with this group.

6. Additional Matters

6.1 New Liaison Assignments The chairman announced the following committee assignments: S. Maynard Turk - Occupational Health; John A. Stichnoth - Intercommittee Task Group to Prepare Guidelines for Minimum Standards of Safe Practice in Writing Chemical Safety Data Sheets (Bruce M. Barackman and Daniel Marcus will also sit in with

the task group); James I. Wyer - Chemical Regulations Advisory Committee.

6.2 Public Interest Law Firms Mr. Leonard Theberge, president National Legal Center for the Public Interest, will make a presentation at the December 2 LAC meeting.

6.3 Candidates for MCA Inside Vice President and General Counsel The chairman announced the formation of a three-man subcommittee consisting of himself, James I. Wyer, and Brian D. Forrow to seek candidates. The subcommittee will work with Mr. Driver and staff, and outside counsel. Mr. Driver will be requested to consider retention of an executive search firm. Recommendations concerning candidates were solicited from the LAC membership.

6.4 Future Meetings Following discussion, the recommendation made at the September 2, 1976, LAC meeting to hold future meetings at the law offices of outside counsel was unanimously reaffirmed.

6.5 MCA Board Meeting Report The chairman announced that he will report on the LAC program at the Board meeting in January, 1977. The Board will be interested only in matters of current interest and future prospect, the chairman's assessment of the import to the industry, and the actions the LAC is taking to deal with them. The LAC membership was requested to supply him, copy to the secretary, with comments for inclusion in the report. Because of a tight time schedule, prompt response would be appreciated.

6.6 Next Meeting The next meeting will be a luncheon meeting commencing at 12:00 noon, at the law offices of Wilmer, Cutler & Pickering, 1666 K Street, N. W., Washington, D. C., December 2, 1976.

The meeting adjourned at 2:50 p.m.

Bruce M. Barackman

Bruce M. Barackman
Secretary
Legal Advisory Committee

Minutes subject to approval
November 15, 1976
BMB:jb