

FILE NAME: Insulation Contractors & Distributors (ICD)

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February 6, 2013

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VIA UPS

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*Brower was a defendant
along with Tecoma Asbestos
and El Bartillo's in 1961-62
Gronenthal comp. claim.*

RE: **Evans v. Saberhagen Holdings (f/k/a the Brower Company)**

Dear Dr. Castleman:

Thank you for speaking with me today and agreeing to lend your expertise to the *Evans* case. As we discussed, I have enclosed some documents that you may find helpful in preparing for your deposition, which is scheduled for February 22, 2013.

First, please find a summary of what I have learned about the Brower Company's officers' roles in the IDCNA based on a review of IDCNA documents. You will see that two of the Brower Company's officers, Ed Saberhagen and George Boscovich, were involved in that trade group. Along with this summary are copies of the documents reflecting Saberhagen and Boscovich's involvement.

Second, enclosed is a 1943 letter from Elliot DeForest to the Washington State Department of Labor objecting to proposed safety standards relating to asbestosis. Mr. DeForest later became a partner at the Brower Company in 1950.

Finally, I have enclosed a letter from George Boscovich from 1973 reflecting the Brower Company's continuing use of asbestos-containing products at its Tacoma branch ("Tacoma Asbestos Co.").

Please let me know if you have any questions or concerns.

Cordially,

BERGMAN DRAPER LADENBURG, PLLC



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A PROFESSIONAL LIMITED LIABILITY COMPANY - TAX ID 20-1937402

INSULATION DISTRIBUTOR-CONTRACTORS NATIONAL ASSOCIATION INC.

Background

- Formed in 1953.
- In addition to the national association, there were regional associations. Washington was part of the Association of Insulation Contractors of the Western States (AICWS).
- Held board meetings twice a year and annual member conventions once a year.

Brower/Tacoma Asbestos roles

- E.E. Saberhagen (a founder of the Brower Co.) was president from 1961-62, immediately thereafter he was appointed representative for the Far West members. (Bates 119-120)
- George Boscovich (partner in the Brower Co. and later its president in the '70s) appointed representative for AICWS on the safety and standards committee in 1963-64 (Bates 151-154).
- E.E. Saberhagen appointed member of the Annual national meeting committee in 1963. (Bates 151-54)
- E.E. Saberhagen registered as present at the 1964 Annual meeting. (Bates 431).
- In 1966 the representatives for the AIWCS were William Kay (EJ Bartells) and Kenneth McCaffree (employed by AIWCS). (Bates 701, 778).
- Nov. 1969 board meeting notes that Mr. Saberhagen is attending his first board meeting in several years.

Knowledge of asbestos hazards

1964

- Dr. Kenneth Smith from Johns-Manville speaks regarding asbestosis at the annual meeting. (Bates 407)
- 1964 letter from IDCNA executive secretary to Baldwin-Ehret noting
 - o The IDCNA newsletter contained an article entitled "ASBESTOS SUSPECTED AS CANCER CAUSE."
 - o That Dr. Selikoff is a new comer to the asbestos disease field and has the support of the unions because of his opinion that employers are to blame for asbestos-related diseases.
 - o Dr. Kenneth Smith, medical director of JM, should be relied on to provide a rebuttal to Dr. Selikoff. (Bates 2026).

1965

- 1965 Selikoff speaks at the annual meeting on lung disease among insulation workers.

1966

- February 1966 Board meeting:
 - o Labor Relations Committee reports on "The Selikoff Recommendations (Lung Disease)." (Bates 700)

- o Announcement that the International (union of asbestos workers) had hired an attorney to represent workers seeking compensation for lung disease. Sixty-five suits were presently in litigation. (Bates 704)
- In 1966 the IDCNA formed a new committee on special projects for "the health hazard." (Bates 816)

1967

- In 1967 the AICWS began an occupation health plan with Drs. Cooper and Tabershaw to "minimize asbestos and other related problems in the construction industry." Reported that Cooper & Tabershaw have been surveying job sites throughout the western states monitoring asbestos dust (Bates 1998-1999). (Reported in the 1972 issue of the IDCNA's newsletter *Outlook*)

1968

- At the 1968 board of directors meeting, Dr. Tabershaw was present to discuss asbestosis and lung cancer; there was a discussion of the costs to implement a safety program to eliminate these hazards. (Bates 730-733).
- 1968 letter to all IDCNA directors from their Health & Safety Chair reporting a meeting of representatives from all segments of the insurance where Selikoff spoke. "The subject covered the, by now, acknowledged problems associated with asbestos, its use and application." (Bates 760)

1969

- 1969 Board meeting – agreement that they need asbestos-free products to solve the occupational health problems. (Bates 919)