ER N MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N.J. 07652

May 3, 1979

To: Asbestos Study Committee

Subject: Legislative Draft "Asbestos Health Hazards Compensation Act"

On April 24, 1979 we sent the Board of Directors and the Asbestos Study Committee comments concerning a legislative draft prepared by an industry group for an "Asbestos Health Hazards Compensation Act." The draft of the suggested legislation was enclosed in the mailing of April 24. With the mailing I discussed some of the background and concerns on this suggested legislation.

I reviewed this correspondence and suggested legislation with Mr. Messier, President and with Mr. Wagner of the Asbestos Study Committee. Mr. Messier asked for distribution to the entire membership. Mr. Wagner felt it would be proper to canvass the Committee to solicit their views. Perhaps the responsibility for an answer lies with others in the member company other than the party serving on the committee. However, we suggest that Committee Members solicit this information and recommendations as concerns such an act.

It should be born in mind that this draft is by an industry task force and has the purpose of establishing a compensation act which would replace the court verdicts awarded in product liability suits. In other words, it is possible that a member's contribution to such a fund might be less than the possible dollars exposure from product liability suits. In any event, there may be items that Member companies find inequitable in such legislation, and it is this information that we are trying to develop. Would you kindly complete the enclosed ballot to express your company's viewpoints as regards this compensation act. We will gather your viewpoints and use them to solicit recommendations from our Board of Directors. As the Board will be meeting on June 12, 1979 we are asking that you have your replies for this ballot back to the Institute Office before May 30.

We are soliciting replies to these questions from Active Member company representatives who serve on the Asbestos Study Committee. A stamped return envelope is enclosed for your convenience in replying.

EWD/erc
Enc:

E. W. Drislane
Executive Director

G-12
(7)

FR: MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N.J. 07652

May 2, 1979

ASBESTOS STUDY COMMITTEE BALLOT

This ballot is for guidance. Any action taken by the Institute must be approved by the Board of Directors. As regards the Legislative Draft "Asbestos Health Hazards Compensation Act," I recommend the following:

1. Institute should support draft the way it now reads. (_____) YES (_____) NO (_____) NO OPINION

2. The Institute should not take a position--it should be neutral. (_____) YES (_____) NO (_____) NO OPINION

3. The Institute should indicate its opposition to the suggested legislation in its entirety. (_____) YES (_____) NO (_____) NO OPINION

4. The Institute should contact those working on the draft to recommend that "Friction Materials" be removed from Class I. (_____) YES (_____) NO (_____) NO OPINION

5. For those replying YES to 4, suggest reasons why "Friction Materials" should not be Class I:

_____

_____

_____

_____

_____

6. Other Comments: _____

_____

_____

_____

_____

_____

By _____

Company _____

Date _____

FMSI 06950

May 2, 1979

ASBESTOS STUDY COMMITTEE BALLOT

This ballot is for guidance. Any action taken by the Institute must be approved by the Board of Directors. As regards the Legislative Draft "Asbestos Health Hazards Compensation Act," I recommend the following:

1. Institute should support draft the way it now reads.	( ) YES	(X) [illegible]	( ) NO OPINION
2. The Institute should not take a position--it should be neutral.	( ) YES	(X) NO	( ) NO OPINION
3. The Institute should indicate its opposition to the suggested legislation in its entirety.	( ) YES	(X) NO	( ) NO OPINION
4. The Institute should contact those working on the draft to recommend that "Friction Materials" be removed from Class I.	(X) YES	( ) NO	( ) NO OPINION

5. For those replying YES to 4, suggest reasons why "Friction Materials" should not be Class I:

(a) No history of asbestos related diseases proven to be caused by our industry,

(b) Most friction material firms have no pending litigation based on asbestos exposure,

(c) There is no consistency where friction materials are grouped with untreated textiles, unsaturated paper, & unsaturated millboard. If included at all, they should be compared to treated asbestos materials.

6. Other Comments: Abex are already taking a strong opposition to the way this bill is being presented. While agreeing some compensation act is desirable, we do not feel it fair to exclude mines and subsequent manufacturers from responsibility.

By Geoffrey Nicholson
Manager, Manufacturing Services
Abex Corporation
Company Friction Products Division

Date May 14, 1979

MOLDED MATERIALS COMPANY
Division of Carlisle Corporation
P.O. Box P, Gillis Avenue
Ridgway, Pennsylvania 15853
(814) 773-3185

CARLISLE

May 2, 1979

Mr. William Nicholson
Abex Corporation
Post Office Box 607
Winchester, Virginia 22601

Mr. David E. Stone
Bendix Corporation
Post Office Box 238
Troy, New York 12181

Mr. Isaac Weaver
Raybestos Manhattan, Inc.
Manheim, Pennsylvania 17545

Mr. Stuart Comins
Auto Friction Corporation
651 Andover Street
Lawrence, Massachusetts 01842

Gentlemen:

As an individual who has spent over thirty-five years in the friction materials segment of the asbestos industry, I wish to direct your attention to the proposed "Asbestos Health Hazards Compensation Act", a copy of which is enclosed.

My concern involves first the unfairness of directing all of the onus and cost to the manufacturer or first seller, thus freeing producers and subsequent manufacturers from any responsibility for work practices they engage in which might produce disease. Under this legislation there is no defense against or right of recovery from these parties.

My next concern addresses the inclusion of friction materials in any of the three categories, let alone Class I, which includes users of the fiber types and applications which have been responsible for the bulk of the known cases to date. I base this upon personal observation of our industry dating from earlier times when personal protection of employees was at a minimum. In this entire period I have not found one case of asbestosis or asbestos-related disease in any of my cohorts.

I personally believe, and studies have shown, that where asbestos-related disease has occurred, it has been in the building, insulation, and ship-building industries. The classification scheme in this draft legislation places friction materials in the same group as the above, with all of the attendant costs, burdens and obligations, where experience has shown we do not belong.

I would urge you to consider my comments and the text of the proposed act, the cost ramifications of superimposing this act upon existing compensation laws, and, if your thinking parallels mine, to alert others in your organization and our industry to its implications.

Sincerely,

MOLDED MATERIALS COMPANY
DIVISION OF CARLISLE CORPORATION

Harry H. Wagner

HHW:pj

Enclosures

cc: Mr. Francis E. Messier
Bendix Corporation
Post Office Box 1632
Jackson, Tennessee 38301

Mr. Edward W. Drislane
Friction Materials Standards Institute
E-210, Route 4
Paramus, New Jersey 07652

FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N.J. 07652

May 2, 1979

ASBESTOS STUDY COMMITTEE BALLOT

This ballot is for guidance. Any action taken by the Institute must be approved by the Board of Directors. As regards the Legislative Draft "Asbestos Health Hazards Compensation Act," I recommend the following:

	YES	NO	NO OPINION
1. Institute should support draft the way it now reads.	( )	(X)	( )
2. The Institute should not take a position--it should be neutral.	( )	(X)	( )
3. The Institute should indicate its opposition to the suggested legislation in its entirety.	(X)	( )	( )
4. The Institute should contact those working on the draft to recommend that "Friction Materials" be removed from Class I.	(X)	( )	( )

5. For those replying YES to 4, suggest reasons why "Friction Materials" should not be Class I:

HAS ALREADY BEEN REMOVED.

6. Other Comments: OPPOSED TO ANY FEDERAL WORKMEN'S COMPENSATION LEGISLATION CONCERNING ASBESTOS OR ANY OTHER MATERIALS.

By Harry B. Wagner

Company CARLISLE MOLDED MATERIALS CO.

Date 5-10-79.

FMSI 06954

FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N.J. 07652

May 2, 1979

ASBESTOS STUDY COMMITTEE BALLOT

This ballot is for guidance. Any action taken by the Institute must be approved by the Board of Directors. As regards the Legislative Draft "Asbestos Health Hazards Compensation Act," I recommend the following:

1. Institute should support draft the way it now reads.	(____) YES	(____) NO	(____) NO OPINION
2. The Institute should not take a position--it should be neutral.	(____) YES	(____) NO	(____) NO OPINION
3. The Institute should indicate its opposition to the suggested legislation in its entirety.	(____) YES	(____) NO	(____) NO OPINION
4. The Institute should contact those working on the draft to recommend that "Friction Materials" be removed from Class I.	(____) YES	(____) NO	(____) NO OPINION

5. For those replying YES to 4, suggest reasons why "Friction Materials" should not be Class I:

6. Other Comments: I have been advised that Friction Materials has been dropped from the Class I category - Until I see a final "draft" in which it stays neutral —

By W. Armstrong

Company Bendix

Date 5/16/79

FMSI 06955