

**File Name**      **Coordinated Defense of Lawsuits**

**Scanned ?**

**Source**          **JMA: NA**

**Start Year**      **1968**

**Stop Year**      **1979**

**Contents**      **ltr, report, legislation, minutes, attendee list**

**Notes**

7/20/98:

7/20/98:

7/9/98:

#### Coordinated Defense of Lawsuits

Top-level public relations and legal legislation, and strategy meetings describing the full range of collective industry maneuvers: Imported Italian coats; White Owl cigars had fiberglass--not asbestos. (Ralph Nader) Dr. George Wright reporting from all key government and scientific committees; formation of AIA; Sabourin flying around trying to get scientists to sign a statement that present asbestos levels are no problem; Congressman R. Ottinger's assistant "Mr. Solon...we'll continue to scare them (the public), you have every right to try and calm them down."; Dr. George Wright suggests "thorough indoctrination course" be organized for potential defense medical witnesses (8/20/68); industry-wide legal coordination originated by J-M (11/13/68); agreement to form a common industry legal problems "committee" accepted unanimously; industry-wide house counsel meetings covered everything legal/governmental (5/24/69); industry-wide defense against lawyer Ward Stephenson's asbestos case; hiring of "prestige" law firm to direct industry defense nationally preferred to indirect industry control through insurers (8/15/69); efforts "to persuade other asbestos products companies" to hire a common outside counsel "to fight health liability cases (8/18/69). Could be a conspiracy, who knows.

1979:

Bendix request to J-M for help opposing union claim that 5 laryngeal cancer cases in one Canadian brake plant were caused by asbestos on the job.

# SAINT LUKE'S HOSPITAL

11311 SHAKER BOULEVARD  
CLEVELAND, OHIO 44104

DIVISION OF MEDICINE

August 20, 1968

Mr. Herbert M. Ball,  
Vice President and General Counsel  
Johns-Manville Corporation  
22 East Fortieth Street  
New York, New York 10016

Dear Herb:

I've studied the memorandum written by Mr. Standel and I believe something along this line would likely be the best approach to handling the overall problem of litigation. I would like to comment on some of the suggestions and make one or two of my own.

With respect to item 1, experienced Federal trial lawyers might not be too rare but to find one with an extensive background in pulmonary disease litigation would likely be quite unusual. With the exception of Ivan Sabourin I know of only two and possibly three lawyers whom I would consider relatively competent with regard to their knowledge of pulmonary disease and in that respect it would be confined pretty much to silicosis. One of these is William C. Hartman of the firm of Squire, Sanders and Dempsey here in Cleveland. He had a great deal to do with developing the Workmen's Compensation Law in the state of Ohio and in the course of that became quite well educated in medical matters pertaining. Unfortunately, he has developed a greater current interest in labor relations negotiations. The second man is Solon Stone of Buffalo, New York. I have testified a number of times for him and have always been impressed with his knowledge of silicosis and also with what would appear to be a very good legal approach. The third man is a lawyer, also from Buffalo, New York, whose last name is McKay and who has in the past been primarily a plaintiff's lawyer. He has cross-examined me a number of times. In addition to these men, I have probably been in contact with approximately twenty other lawyers, none of whom impressed me very favorably with respect to their preparation of cases or their knowledge of the pertinent medical factors involved. I have received the impression from most of these gentlemen that they approach a case much more strongly in terms of the legal aspects and hope for the best on the medical aspects. It is my impression also that in the Workmen's Compensation cases they have small hopes of achieving anything from the

Herbert M. Ball

medical approach and hence do not pursue this. In jury cases the situation might be just the same. I have had only limited experience with jury

With respect to considering the development of a competent legal personality, I have the following thoughts. There seems little doubt but that for the next few years there will be problems of this sort to deal with because of the backlog of cases that we have every now and then. It now exists or will develop in the near future. I suggest that it is not very prudent to put a great deal of training effort into an older man and I picture what Mr. Standol has in mind. It would seem better for J-M to either bring a man into their own firm or by retainer preempt his major interests so that he becomes thoroughly trained in the business of asbestosis as well as in the various parts of the law itself. I have in mind also that cases are run by lawyers and as I indicated to you in my letter the most competent physician is of no use to you unless the lawyer is equally competent. Moreover, a physician who is perhaps not very well versed in asbestosis can still be a useful witness if he is examined by a lawyer having specific medical knowledge. In addition, the properly trained and informed lawyer using the use of suitable reference material can make his medical witness reasonably well oriented for legal appearance. There simply is no way but that a competent physician can make up for an incompetent lawyer. It would seem to me that the first requirement for the most important one is to have the fully competent lawyer available to you.

With respect to item 2, it doesn't seem wise to use me as the active member representing the defense in your asbestosis defense task force. It is in the realm of possibility to find someone in New England to serve in this role. Such a man plus the usual group of chosen physicians for the purpose of testimony should provide your legal representation with a competent witness. If it is possible at this time to predict the major geographic foci of anticipated Compensation hearings or lawsuits, it should be possible to choose men from the medical profession at these locations to become the most desirable witnesses.

Herbert M. Ball

August 20, 1968

With respect to item 3, I would agree that it is important to have someone available to fulfill this role. I am not certain, however, that Mr. Sheckler is your best bet. From what I know of the current developments in his department, I think his time is going to be fully occupied. In addition, I have some question about his capacity to project himself as a witness. I must say that I have a rather different kind of person in mind for this particular role although I don't know where he might be in your organization at this time.

With respect to item 4, I find myself somewhat uncertain as to the full reasons for choosing an Insulation representative. Possibly this has arisen from your major concern about the cancer cases in the insulation exposures. I would predict that you will have problems also with your own textile employees and with respect to Workmen's Compensation with all of the Divisions of the Company. Furthermore, I believe you will be faced with cases of lung cancer and mesothelioma occurring spontaneously in employees from all divisions as well as people who are not your employees. In saying this, I would point out that I believe it might be a mistake to pick a man whose knowledge is primarily in the Insulation division alone. Shouldn't you have someone whose knowledge is broader than this? I cannot help saying that if I were defending a case and I needed a person to represent both items 3 and 4 and wanted to choose one from your present employees I would pick Sidney Speil. I presume he would not be available for these things but I think he projects himself extraordinarily well and is fully knowledgeable in these various areas.

With respect to item 5, it occurs to me that a liaison and coordinating person might be needed but why not combine this role with that of the legal person to represent the things discussed in item 1. I suppose it is entirely possible that the liaison and coordinating person might be fully occupied with developing the task force and ultimately attending to so many details that it would detract from his possible role as "the competent lawyer for the defense" in the actual litigation. On the other hand, it occurs to me that you might combine the roles set forth under items 1 and 5 to the benefit of the program as a whole. Your choice of a man for this would be perhaps the single most important

Herbert M. Ball

August 20, 1968

decision of all and since I do not know Mr. Standel or any other member of your legal department than yourself, I refrain from further comment.

I would like to make one other suggestion at this time. If the personnel for this task force, and I would include for this particular thought the potential doctors serving as witnesses at the local level, can be chosen in the near future, I would suggest a thorough indoctrination course organized to present the medical, legal, and economic aspects to these persons in depth. I would suggest that this group be kept relatively small but include those who would be active. Such a "course" would involve not only the presentation of all of the information in detail but most likely site visits as well. Those taking part should be able in the future at times of testimony to say that they have seen first hand and studied first hand the things that they might testify about. This was the approach used by those involved in the silicosis problem.

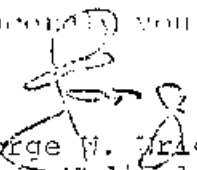
I know that the main emphasis of the Haranac Symposia was on the scientific aspects and I would not have in mind repeating precisely that kind of thing but I think you will agree that those symposia served as a training mechanism for those ultimately bearing responsibility of the legal aspects. I have in mind in our instance a more restricted and definitely oriented approach to the actual legal problems.

I rather like Mr. Standel's suggestion that perhaps this could be a much broader affair and bring in the considerations of other companies who face this same problem. I have reason to believe you might find men of considerable skill and interest in the other companies and we of J-M might stand to benefit by their views.

It is likely that I will be in New York within the next few days sometime and I would like to have an opportunity to discuss this in greater depth with you. I have already talked about this in some detail with Ivan and since you have taken the matter up with Clint, I hope it will be agreeable with you if I send a copy of our correspondence thus far to each of these people.

With best wishes,

Sincerely yours,

  
George W. Wright, M.D.  
Head, Medical Research  
Department

CONFIDENTIAL AND PRIVILEGED  
ATTORNEYS' COMMUNICATION

|                                  |  |     |  |
|----------------------------------|--|-----|--|
| OFFICE OF THE<br>GENERAL COUNSEL |  |     |  |
| AUG 2 1968                       |  |     |  |
| HMB                              |  |     |  |
| IJP                              |  | RRS |  |
| WPSB                             |  | WMD |  |

6070  
GHQ Box 91  
August 2, 1968

Herbert Morton Ball

ASBESTOSIS DEFENSE TASK FORCE

You have asked me to elaborate on the constitution and concept of the proposed task force. My present thinking is that we should have the following members:

- (1) A highly competent and experienced Federal trial lawyer, preferably with an extensive background in pulmonary disease litigation.

Preliminary inquiry as to the identity and possible availability of such a lawyer should now be initiated. However, until further litigation develops it might be premature to make any definite arrangement. For the time being, with respect to the Tomplait litigation now pending in Texas, we have prevailed upon Travelers to procure a lawyer to aid Mr. Pate, Mr. John G. Tucker. He is 61 years of age, a graduate of Harvard Law School, and a partner in the largest firm in Beaumont, Orgain, Bell & Tucker. Mr. Tucker is regarded by Travelers as the city's best "brief man" and has available to him the services of junior attorneys to provide the man force requisite to prepare extensive legal briefs. Inasmuch as this particular case will probably have to be won on legal points upon appeal, Mr. Tucker would appear to fulfill our needs.

Travelers has suggested to me the possibility of utilizing Mr. Leroy Vandever (who, as you know, is our lawyer in the Bradshaw asbestosis litigation in Michigan) as the overall attorney in the asbestosis cases. While Mr. Vandever is indeed an experienced trial lawyer I have serious reservations as to his acting in such a capacity because of his advanced age, among other reasons.

- (2) A qualified and recognized medical expert on the disease of asbestosis.

Obviously, the use of Dr. Wright suggests itself. The question is whether he will be sufficiently available. The point is that for the program to be effective all of the members (with one exception discussed below) will have to be available to travel around the country to meet with our various local defense counsel. This will be time-consuming. While initially we may be able to get by by utilizing C. L. Sheckler in conjunction with Dr. Wright, I do not think that this will stand up as a feasible working arrangement if any significant number of cases should develop. Accordingly, I suggest that we request Dr. Wright to give us the name of some other qualified physician that we might be able to employ on a consulting contract basis, if the need arises. That is, we should be in a position to pre-empt a given number of days of such physician's time per month, if and when necessary.

- (3) A person with extensive knowledge of the environmental control efforts of this company and of the industry generally with respect to this hazard.

At the present time C. L. Sheckler would appear to be our overall asbestosis expert. It is imperative that he be available for educational (and possibly testimonial) purposes. If his function in the task force is to be adequately performed his responsibility in that area must be assigned first priority.

- (4) A person from our Insulation Division who possesses knowledge of the asbestos insulation industry and of our insulation product lines, including the general chemical make-up of such products.

R. A. Stapleton would be the man here. However, it is contemplated that where sufficiently experienced and knowledgeable local people are available (district managers, contract unit managers, salesman, etc.) we shall utilize them with respect to any litigation pending in the locality of their responsibilities. It would be Mr. Stapleton's function to secure optimum cooperation from these people. Mr. Stapleton would not travel with the task force except where adequate local personnel were not available, although his services may be required from time to time as a witness. The Division has indicated its willingness to make Mr. Stapleton available in such capacity until such time as this work would interfere too greatly with his other duties, at which time it will be necessary to consider some other arrangement.

- (5) A member of the J-M Legal Department to act as liaison and coordinator.

You have indicated that the writer should continue in this responsibility. In that event, inasmuch as most of these cases will probably be tried in the Federal Courts, I recommend that the writer take a course in Federal Court Trial Procedure. Such a two-semester course is presently available at night at New York University Law School, Graduate Division, at a cost of \$150 per semester.

A serious effort should be made to coordinate the efforts of our task force with the corresponding activities of other manufacturers in the industry who also are defendants in these cases. It may be that in time a single overall committee will prove desirable.

I think that the task force (with the exception of the outside lawyer described in (1) above) should be formally instituted immediately. The basic concept is that the task force will be available to meet with local attorneys for the purpose of educating and guiding them in these cases. As experience in the defense of these cases is gained, this cumulative knowledge will be made available to our various trial counsel. The task force will gather information generally useful to our defense, including the names of witnesses, expert or otherwise, best suited to testify in our behalf.

PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

November 13, 1968

C. B. Burnett  
Herbert Morton Ball  
J. B. Jobe  
K. V. Lindell - Asbestos  
A. B. Marchant  
A. C. Smith - Funderne  
Ivan Sabourin, Esq. - Montreal  
F. J. Solon, Jr.  
Dr. G. W. Wright - Cleveland

ENVIRONMENTAL HEALTH TASK FORCE

REPORT TO POLICY COMMITTEE  
ON INITIAL LEGAL PROBLEMS SUB-COMMITTEE MEETING

DATE AND LOCATION: October 15, 1968, at GUQ

PRESENT FROM THE LEGAL PROBLEMS SUB-COMMITTEE: Herbert Morton Ball (Chairman), W. W. Lanigan and R. R. Standel, Jr.

PRESENT FROM THE POLICY COMMITTEE: Herbert Morton Ball and Dr. George W. Wright.

PURPOSE OF MEETING: The principal purpose of the meeting was for Dr. Wright to begin the education of the committee members as to the medical and scientific aspects of asbestosis and mesothelioma. Among the major areas discussed by Dr. Wright were:

- 1) the formulation and chemical make-up of the various types of asbestos and the commercial applications thereof;
- 2) the nature of asbestosis, including the causations, symptoms, detection, diagnosis and prognosis of the disease;
- 3) the present state of medical knowledge concerning asbestosis and mesothelioma and the chronology of the historical development thereof; and
- 4) Dr. Selikoff's work, the conclusions to be drawn therefrom, and the probable ramifications.

C. B. Burnett joined the meeting for lunch. At that time a general discussion of the legal posture of this problem was had. Among the things discussed were:

- 1) the present status of the common law asbestosis actions now pending against us;
- 2) the probability of numerous similar cases in the future and the best means of preparing for them;
- 3) the significance that medical testimony and knowledge will have in these cases; and
- 4) the need for an industry-wide approach to the problem.

- CONCLUSIONS:
- 1) Serious consideration should be given to inviting other companies to join with us in an industry-wide legal committee, the purpose of which would be to maximize and co-ordinate the legal thinking and efforts of the various asbestos mining and/or manufacturing companies.
  - 2) It will be necessary to set up a comprehensive system whereby counsel engaged to defend various asbestosis cases throughout the country on our behalf can be properly and effectively educated as to the medical and scientific aspects of such cases.

R. R. Standel, Jr.

cc: W. W. Lanigan  
E. M. Fennor - Finderne  
C. L. Sheckler - Finderne  
H. M. Jackson

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PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

January 15, 1969

C. B. Burnett  
Herbert Morton Ball  
J. B. Jobe  
K. V. Lindell - Asbestos  
A. B. Marchant  
A. C. Smith - FINDERNE  
F. J. Solon, Jr.  
Ivan Sabourin, Esq.-Montreal  
Dr. G. W. Wright - Cleveland

ENVIRONMENTAL HEALTH TASK FORCE

REPORT TO POLICY COMMITTEE  
ON SECOND LEGAL PROBLEMS SUB-COMMITTEE MEETING F

DATE AND LOCATION: January 14, 1969, at GHQ

PRESENT FROM THE LEGAL PROBLEMS SUB-COMMITTEE: Herbert Morton

Ball (Chairman); E. M. Fenner; C. L. Sheckler;  
and R. R. Standel, Jr.

PRESENT FROM THE POLICY COMMITTEE: Herbert Morton Ball

DISCUSSION: 1. Tomplait vs. Combustion Engineering, et al.

R. R. Standel, Jr., reported to the Committee on the progress of the Tomplait asbestosis litigation, the trial of which is to commence on March 24, 1969, in Beaumont, Texas. The Committee was advised that it was imperative at this time that a list of witnesses to appear on behalf of Johns-Manville Products Corporation be prepared so that the witnesses might be interviewed, etc.

Mr. Standel reported that after conferring with Travelers' local attorney in this matter, the over-all legal approach determined upon was to attempt to rebut any argument by plaintiff that defendant Johns-Manville Products Corporation was not concerned with the welfare of the "working man" by showing the many steps that it had taken to improve working conditions "health-wise" by cutting down dust concentration in the air, improved handling techniques, etc., within J-M's own facilities. While such a showing would not resolve the fundamental legal question of whether or not J-M was negligent in failing to extrapolate its knowledge of certain of the health dangers present in its mining, milling and plant facilities to the employment situation of workmen such as plaintiff (i.e. field industrial insulation applicators employed by independent contractors and/or Johns-Manville Sales Corporation's Contract Units), it would have value in showing that J-M was not heedless of the needs of workers where the dangers were recognized by it. Accordingly, it was suggested and agreed that it would have value to have testimony of witnesses to demonstrate what steps had been taken to control dust, etc., in J-M's facilities.

PRIVILEGED  
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Mr. Sheckler pointed out that it might be most meaningful to make this demonstration with respect to the steps taken in plants concerned with the manufacture of industrial insulation products.

In this regard, he suggested that Tom Eaton would be very helpful and Messrs. Ball and Fenner concurred. Daniel Gallagher was another person recommended for interview in this regard. Other potential witnesses were discussed by Messrs. Fenner and Sheckler.

Mr. Standel then stated that in view of these suggestions he presently contemplated the following list of potential witnesses:

Personnel with Plant and Engineering Background:

|                 |                                                 |
|-----------------|-------------------------------------------------|
| T. H. Eaton     | - Production Manager                            |
| D. H. Gallagher | - Plant Manager, Long Beach Plant               |
| J. Gartshore    | - Industrial Relations Manager,<br>Jeffrey Mine |
| J. O. Eby       | - Plant Manager - Jeffrey Mine                  |

Industrial Hygiene Program Personnel:

|                |                                                                |
|----------------|----------------------------------------------------------------|
| C. L. Sheckler | - Manager, Occupational Environmental<br>Control               |
| H. M. Jackson  | - Director of Industrial Relations<br>& Management Development |

Industrial Insulations Division Sales Personnel:

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| R. A. Stapleton | - General Sales Manager, Distribution<br>and Contracts |
| M. C. Parmley   | - District Manager, Houston District                   |

Medical Personnel:

To be determined in conjunction with the attorneys of the other defendants involved in subject litigation.

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Those people on the above list with whom the case has not already been discussed will be interviewed in depth as to their relevant knowledge and suitability

2. Rogers vs. Johns-Manville Products Corporation, et al.

Mr. Standel then formally advised the Committee that a third common law asbestosis action (in terms of those being primarily handled by the Office of General Counsel) had been commenced in October of 1968, in Kansas City, Mo. The Johns-Manville defendants have not yet filed their answer to this complaint but have been in contact with the firm of Rogers, Field & Gentry of Kansas City, Missouri, which is handling the matter on behalf of Travelers.

3. Bill No. 707 - Massachusetts House of Representatives

This proposed Bill was introduced by Rep. David C. Ahearn and provides:

"Notwithstanding any provisions of law to the contrary, no ducts for heating or air conditioning which contains /sic./ fiberglass inside shall be placed in any building."

The Committee recognized that while the Bill did not directly concern asbestos it involved a related problem and was fraught with the risk that its prohibitions might be extended to encompass asbestos products. Mr. Ball pointed out that it was one of the duties of the Office of General Counsel to follow proposed legislation and accordingly he appointed Mr. Standel to work

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with the appropriate J-M responsibilities involved,  
including the Industrial Health, Public Relations  
and Government Departments, on behalf of this  
sub-committee and the Office of General Counsel

*R. R. Stadel, Jr.*  
R. R. Stadel, Jr.

cc: H. M. Jackson  
W. W. Lanigan  
E. M. Fenner - Finderne  
C. L. Sheckler- Finderne

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PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

May 24, 1969

C. B. Burnett  
Herbert Morton Ball   
J. B. Jobe  
K. V. Lindell - Asbestos  
A. B. Marchant  
Ivan Sabourin, Esq. - Montreal  
A. C. Smith - FINDERNE  
F. J. Solon, Jr.  
W. L. VanDerbeek - FINDERNE  
Dr. G. W. Wright - Cleveland

ENVIRONMENTAL HEALTH TASK FORCE

REPORT TO POLICY COMMITTEE  
ON MEETING HELD IN LIEU OF FOURTH LEGAL PROBLEMS SUB-COMMITTEE MEETING

It was determined by the Legal Problems Subcommittee that in lieu of the meeting scheduled for May 20, 1969, a meeting of house counsel of asbestos industrial insulation product manufacturers would be held.

Such a meeting was held at J-M's GHQ on April 30, 1969. A list of the parties attending is attached. (In addition, Milford Salney, house counsel of U. S. Mineral Products Co. had intended to come but was unable to make it).

The following members of the J-M Legal Problems Subcommittee were in attendance: Herbert Morton Ball, C. L. Sheckler and R. R. Standel, Jr. In addition J. B. Jobe of the Policy Committee was present for part of the meeting and made a presentation.

Attached hereto is an Agenda of the meeting which indicates the matters discussed.

The primary purpose of the meeting was to determine whether or not the house counsel of other manufacturers would be interested in forming and joining an industry-wide legal problems committee. The purpose of this committee would be to coordinate and maximize the legal efforts of the various manufacturers in defending future common law asbestosis and/or mesothelioma actions. The primary emphasis would be on liaison and communication of developments, coupled with the pooling of ideas.

All of the lawyers present indicated that they favored joining such a committee on behalf of their clients. However, Messrs. Beck (Fibreboard), Suhre (Eagle-Picher) and Morse (Keene Corp.)

stated that they could not commit their clients "off hand" but would recommend affirmative action to them. They will advise us of their clients' positions.

It was recognized by all present that the ultimate structure of the committee and the possibility of the formation of various subcommittees would depend upon the volume of litigation that in fact develops.

A handwritten signature in cursive script, reading "R. R. Standel, Jr.".

R. R. Standel, Jr.

cc: W. P. S. Breese  
E. M. Fenner - Finderne  
H. M. Jackson  
C. L. Sheckler

## AGENDA

### MEETING OF HOUSE COUNSEL OF ASBESTOS INDUSTRIAL INSULATION PRODUCT MANUFACTURERS AT JOHNS-MANVILLE CORPORATION ON APRIL 30, 1978

1. Introduction and Coffee. (9:00 A.M.-9:15 A.M.)
2. Discussion of the Background of the Problem of Asbestosis in the Industrial Insulation Industry.  
  
C. L. Sheckler, Manager, Accident Prevention and Health Administration, Johns-Manville Corporation (9:15 A.M.-10:30 A.M.)
3. Discussion of Present Industry Efforts to Cooperate with Organized Labor in Medical Research Activities Directed Towards the Problem of Asbestosis.  
  
J. B. Jobe, Vice President, Industrial Divisions, Johns-Manville Corporation (10:30 A.M.-11:00 A.M.)
4. Discussion of Common Law Asbestosis Actions Presently Pending. (11:00 A.M.-12:30 P.M.)
5. Lunch (12:30 P.M.-1:30 P.M.)
6. Discussion of Industry-Wide Legal Committee Approach.  
  
(a) Possibility of Subcommittees.
  - (i) "Clearing House" Subcommittee re common law asbestosis actions in progress.
  - (ii) Medical and Scientific Subcommittees.
  - (iii) Legislative Subcommittee.
  - (iv) Subcommittee to follow developments in common law re product liability generally. (1:30 P.M.-4:00 P.M.)
7. Consideration of Possible Formation of Industry-Wide Policy Committee.  
  
Herbert Morton Ball, Vice President, Secretary and General Counsel, Johns-Manville Corporation (4:00 P.M.-5:00 P.M.)

MEETING OF HOUSE COUNSEL OF  
ASBESTOS INDUSTRIAL INSULATION PRODUCT MANUFACTURERS  
AT JOHNS-MANVILLE CORPORATION ON APRIL 30, 1969

HOUSE COUNSEL

Herbert Morton Ball  
Johns-Manville Corporation

Robert A. Beck  
Fibreboard Corporation

Nevin L. Bitner  
Armstrong Cork Co. Inc.

Dale K. Little  
Combustion Engineering, Inc.

Robert Logan  
Owens-Corning Fiberglas Corp.

Richard C. Packard  
Pittsburgh Plate Glass Company

Richard R. Standel, Jr.  
Johns-Manville Corporation

Walter A. Suhre, Jr.  
Eagle-Picher Company

OUTSIDE COUNSEL

E. Judge Elderkin  
Brobeck, Phleger & Harrison  
(Counsel for Fibreboard Corporation)

Neil Morse  
Chadbourne, Parke, Whiteside & Wolff  
(Counsel for Keene Corp. - Baldwin-Ehret-Hill Div.)

JOHNS-MANVILLE NON-LEGAL PERSONNEL

J. B. Jobe  
Vice President Industrial Divisions

C. Sheckler,  
Manager, Accident Prevention and  
Health Administration

7116

MARSHVILLE  
Policy Committee Meeting  
Environmental Health Task Force  
August 18, 1969  
Large Board Room

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W. L. VAN DERBEEK

1. W. L. Vanderbeek reported on progress to date re lowering dust counts below TLV in Manville textile operation.

The possibility of making asbestos textiles from asbestos paper was discussed. This would eliminate dust-producing spinning and carding operations. Vanderbeek to prepare cost and feasibility data for manufacturing textiles in this manner.

Vanderbeek suggested that profitability study should be made of Marshville textile operations before a decision is reached on installing costly dust control equipment.

2. Vanderbeek proposed revised Corporate Environmental Control Standards. It will be studied and a final draft prepared by a committee consisting of the members of the Environmental Control Sub-Committee, Dr. Wright and Herb Bull.

3. Vanderbeek distributed a report of fiber counts made in the vicinity of a number of Johns-Manville locations, including Manville and Jeffrey.

K. V. Lindell will announce at the next meeting of QAMA that J-M plans to take dust counts at Thetford Mines.

4. Mr. Vanderbeek and Dr. Wright reported on a program being set up by the Bureau of Occupational Safety and Health of the U.S. Department of Health, Education and Welfare to conduct ambient air sampling at selected sites around the United States for the purpose of arriving at Federal asbestos air pollution standards. Dr. Wright has been asked, along with Dr. Selikoff and others, to serve on a committee of experts to review these standards and has agreed to do so.

More ...

Dr. Wright commented that Dr. Solikoff and others are emphasizing electron microscopy as the only valid method of counting fibers, because they contend it is the sub-micron sized particles that cause the most harm. Dr. Wright recommended that J-M undertake animal experiments to test this theory (which he does not believe is true).

Dr. Wright also mentioned that he had seen a copy of the paper on asbestos and health being prepared for the Surgeon General's office by DOSM, and that it said that "there is no evidence at this time that asbestos/cement pipe poses a carcinogenic hazard."

A. B. MARCHANT

1. A. B. Marchant recommended that J-M not get involved with the IUD on a company-wide or industry-wide basis re asbestos/health. It was agreed that J-M should strive to communicate better on a local basis with the various unions on what it is that J-M is doing in the area of environmental control. J-M will identify and solve these problems in its own plants and mines without any outside help or assistance.

Evon Salaurin agreed to communicate this decision to Dr. Solikoff. A. B. Marchant will relay it to the union people.

2. It was decided that J-M will offer to take Dr. Solikoff on a tour of our Stockton and Lompoc operations in the near future, and that we will open our Hanville Plant to him and others as soon as our present control programs have been completed (in about two months).

DR. GEORGE W. WRIGHT

1. National Gypsum has expressed a reluctance to the general public portion of the New Orleans health study. Present plans call for the in-plant study to begin this year, with the decision whether or not to undertake the general public phase to be made at a later date.

More ...

MEMPHIS

Policy Committee

Meeting - 8/18/69

R. V. Lindell expressed the opinion that QAMA is unlikely to approve the necessary funds for the project this year but might well do so next year.

Mr. Barnett said that Johns-Manville will be willing to pay for the first year of the study whether or not QAMA approves money for the project.

J. B. JOBE

1. J. B. Jobe reported on recent activities of the Insulation Industry Hygiene Research Program.
2. He will report on the status of funding of the program for 1970. Present understanding is that the Asbestos Workers Union and the contractors will provide the entire cost beginning the first quarter of 1970.

F. J. SOLON, JR.

1. F. J. Solon reported on Dr. Selikoff's recommendations re the necessity of animal research to determine the health effects of water passing through asbestos/cement pipe. Dr. Wright will talk to Dr. William Smith of Fairleigh-Dickinson and perhaps others about this.
2. Solon reported on developments to date re the soon-to-begin spraying of the World Trade Center. Mr. Sabourin showed slides given him by Dr. Selikoff showing spraying being done on a new Wall Street building by the same plastering contractor that will be doing the Center.

The decision was made that J-M should not get too heavily involved in the problems associated with the World Trade Center, but that the Policy Committee be kept up to date on developments.

It was brought out that J-M does not favor asbestos spraying as a matter of policy.

3. Solon distributed a chart of upcoming medical meetings.

Policy Committee  
Meeting - 8/18/69

4. Approval was given for the printing in booklet form of E. M. Penner's talk on the 3-M Environmental Control Department delivered in May before a medical group in Atlantic City.

HERBERT HORTON BALL

1. Efforts are continuing to persuade other asbestos products companies to agree upon a common outside legal counsel to fight health liability cases.

F. J. Solon, Jr.

FJS/mvds

6067

PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

August 15, 1969

C. B. Burnett  
Herbert Morton Ball  
J. B. Jobe  
K. V. Lindell - Asbestos  
A. B. Marchant  
Ivan Sabourin, Esq. - Montreal  
A. C. Smith - FINDERNE  
F. J. Solon, Jr.  
W. L. VanDerbeek - FINDERNE  
Dr. G. W. Wright - Cleveland

ENVIRONMENTAL HEALTH TASK FORCE

REPORT TO POLICY COMMITTEE  
ON MEETING HELD IN LIEU OF LEGAL PROBLEMS SUB-COMMITTEE MEETING

It was determined that in lieu of the Legal Problems Sub-committee Meeting scheduled for July 15, 1969, a second meeting of counsel of asbestos industrial insulation manufacturers would be held. Such meeting was held at the general headquarters of Johns-Manville on August 12, 1969. The following companies (in addition to J-M) were represented by their house counsel and/or outside counsel:

Armstrong Cork Co. Inc.  
Certain-teed Products Corporation  
Owens-Corning Fiberglas Corp.  
Fibreboard Corporation  
Combustion Engineering, Inc.  
Eagle-Picher Company  
Unarco Industries, Inc.  
Keene Corp. - Baldwin-Ehret-Hill Div.

Herbert Morton Ball and the writer attended on behalf of the J-M Legal Problems Sub-committee.

The morning portion of the program was devoted to a lecture by Dr. Wright on asbestos and health problems. The purpose of this presentation was to "hit home" to the group the seriousness of the problem which confronts them. It appeared that Dr. Wright's presentation had the desired effect.

After lunch there was a short discussion of the Tomplait case (now settled) and the new case instituted in Beaumont (By Ward Stephenson, Esq., the same lawyer who represented Mr. Tomplait) of Potter vs. Fibreboard Paper Products Corporation, et al. We were told that Mr. Stephenson has instituted a third case in which we are a named defendant, this time in Louisiana.

The bulk of the afternoon discussion was devoted to devising the best means of handling these cases on an industry-wide basis.

Everybody seemed to favor the formation of an industry-wide committee of house counsel and indicated a general desire to cooperate in these matters. Further, the majority feeling was that if the litigation in this area becomes as extensive as is anticipated the most feasible way to conduct the matter on an industry-wide basis would be through the retention of a single large "prestige" law firm. This firm would coordinate legal activities on behalf of all of the companies in the industry and direct the conduct of the litigation by the various local counsel that would have to be retained in the different areas where individual suits are instituted from time to time. The previous experience of the manufacturers in the electrical and tobacco industries in using such an approach and the considerable success which resulted therefrom was discussed.

The essential concept underlying such an approach is that the use of one law firm will result in:

1. economies of administration of the defense; and
2. a more efficient and unified defense posture on the part of all of the companies in the industry.

Such a law firm will develop expertise in handling the cases (which in large measure will be essentially similar) and this law firm will utilize its developed expertise to more quickly and cheaply educate local counsel and direct the activities of local counsel. Among other things, the law firm will develop such things as:

1. memoranda of law and legal briefs which will be of general applicability;
2. a library of legal and non-legal relevant information, including the pertinent medical knowledge; and
3. a list of medical and other expert witnesses best qualified to appear on behalf of the defendants.

The firm chosen will have a sufficient number of "young lawyers" to engage in the extensive legal research and brief writing that will prove necessary if any significant number of cases do in fact arise.

The fundamental thought is that the firm can perform these functions on behalf of all of the companies in the industry and that this will avoid a ten-fold duplication of effort and expense which will result if each company has to prepare its own defense in each case (and particularly if this must be done "from scratch" by various local counsel in each action instituted from time to time).

A basic problem is one of the allocation of the costs of such an approach. Mr. Logan of Owens-Corning Fiberglas Corp. asked if the people present were willing to participate on an equal-sharing basis and the response was negative. The lawyers present indicated that they would need some kind of formula to present to their respective managements as to the percentage degree of each company's participation. No dollar figures can be presented because it cannot be determined in advance how many law suits will be instituted and where. A sharing formula based upon the company's respective percentages of sales in the asbestos industrial insulation industry was suggested. I indicated that such a formula based strictly on such an approach would not be acceptable to Johns-Manville.

The group requested me to prepare a proposal in September as to possible bases for the sharing of costs (assuming that such an approach as discussed above will eventually be approved by the respective managements). I agreed to do so, and indicated that I would use as a starting point the respective sales of the various companies in the industry during the period 1940 - 1969. However, there will have to be considerable negotiation from this point. Insofar as the smaller producers are concerned, the hard truth is that in a given case in which they are named as a defendant (by the plaintiff) or as co-defendants (by one of the companies named as a defendant) their legal fees, generally speaking, would be about the same as those of a larger company also named as a defendant in that case. That is, the expenses of defending the case would be about the same to a company which only contributed to 5% of the plaintiff's disease as to the company that contributed 40%. Accordingly, since the purpose of the use of a single law firm is to minimize the costs of everyone insofar as that particular case is concerned, all companies would be benefiting equally vis-a-vis what it would have cost them to defend the case individually, without regard to their respective sizes. Therefore, an allocation of the costs of defense based on respective percentages of sales would not be realistic.

The difficulty in any industry-wide approach is that the interests of the different companies are so diverse. For example, Unarco Industries is no longer in the business and has changed its insurance carriers. Therefore, Unarco looks primarily to its old insurance carriers to take over its defense burdens. On the other hand, Owens-Corning, while one of the largest companies involved, claims that it had a very small percentage of the asbestos industrial insulation market during the relevant period. Further, Armstrong indicates that it has sold out its business and does not know to what degree it has an indemnification liability.

A further problem is presented by the fact that in large measure the various insurance companies involved present a complicating factor. In view of the retrospective rating aspects of the insurance carried by the companies and the fact that expenses

actually incurred are in practice often charged back to the insured with a "mark-up" added, it is questionable whether the presence of insurance companies in these cases is of net benefit. The use of the type of counsel often employed by insurance companies would not appear optimum here. The cases are too important and too uniquely complicated. Moreover, the writer and several others present expressed the view that it would be better if the defendant manufacturing companies could direct the activities of local counsel directly or through a single law firm without having to do so through the insurance companies.

A Committee composed of Eugene Anderson, Esq., of the law firm of Chadbourne, Parke, Whiteside & Wolff (counsel for Keene Corp. -Baldwin-Ehret-Hill Div.); E. Judge Elderkin, Esq., of the law firm of Brobeck, Phleger & Harrison (counsel for Fibreboard Corporation); and the writer, is to prepare a list of possible law firms to handle this matter if such an approach is ratified by the various managements.

*R. R. Standel, Jr.*  
R. R. Standel, Jr.

cc: W. P. S. Breese  
E. M. Fenner - Finderne  
Fred Ingham  
H. M. Jackson  
C. L. Sheckler

7134

AUG 26 1961

CHS  
7/11/61

TO: POLICY COMMITTEE

C. R. Burnett  
H. M. Ball  
J. B. Jobe  
K. V. Lindell  
A. B. Marchant  
A. C. Smith  
Ivan Sabourin  
F. J. Solon, Jr.  
W. L. VanDerbeek  
Dr. G. W. Wright

~~REDACTED~~  
~~REDACTED~~

PRODUCED  
JM - 33

MINUTES  
Policy Committee Meeting  
Environmental Health Task Force  
August 18, 1969  
Large Board Room

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W. L. VAN DERBEEK

1. W. L. Vanderbeek reported on progress to date re lowering dust counts below TLV in Manville textile operation.

The possibility of making asbestos textiles from asbestos paper was discussed. This would eliminate dust-producing spinning and carding operations. VanDerbeek to prepare cost and feasibility data for manufacturing textiles in this manner.

VanDerbeek suggested that profitability study should be made of Marshville textile operations before a decision is reached on installing costly dust control equipment.

2. VanDerbeek proposed revised corporate Environmental Control Standards. It will be studied and a final draft prepared by a committee consisting of the members of the Environmental Control Sub-Committee, Dr. Wright and Herb Ball.

3. VanDerbeek distributed a report of fiber counts made in the vicinity of a number of Johns-Manville locations, including Manville and Jeffrey.

K. V. Lindell will announce at the next meeting of QAMA that J-M plans to take dust counts at Thetford Mines.

4. Mr. VanDerbeek and Dr. Wright reported on a program being set up by the Bureau of Occupational Safety and Health of the U.S. Department of Health, Education and Welfare to conduct ambient air sampling at selected sites around the United States for the purpose of arriving at Federal asbestos air pollution standards. Dr. Wright has been asked, along with Dr. Selikoff and others, to serve on a committee of experts to review these standards and has agreed to do so.

More ...

**PRODUCED**

Dr. Wright commented that Dr. Solikoff and others are emphasizing electron microscopy as the only valid method of counting fiber, because they contend it is the sub-micron sized particles that cause the most harm. Dr. Wright recommended that J-M undertake animal experiments to test this theory (which he does not believe is true).

Dr. Wright also mentioned that he had seen a copy of the paper on asbestos and health being prepared for the Surgeon General's office by BOBH, and that it said that "there is no evidence at this time that asbestos/cement pipe poses a carcinogenic hazard."

A. B. MARCHANT

1. A. B. Marchant recommended that J-M not get involved with the FUD on a company-wide or industry-wide basis re asbestos/health. It was agreed that J-M should strive to communicate better on a local basis with the various unions on what it is that J-M is doing in the area of environmental control. J-M will identify and solve these problems in its own plants and mines without any outside help or assistance.

Ivan Sabourin agreed to communicate this decision to Dr. Solikoff. A. B. Marchant will relay it to the union people.

2. It was decided that J-M will offer to take Dr. Solikoff on a tour of our Stockton and Lompoc operations in the near future, and that we will open our Hanville Plant to him and others as soon as our present control programs have been completed (in about two months).

DR. GEORGE W. WRIGHT

1. National Gypsum has expressed a reluctance to the general public portion of the New Orleans health study. Present plans call for the in-plant study to begin this year, with the decision whether or not to undertake the general public phase to be made at a later date.

More ...

PRODUCED

R. V. Lindell expressed the opinion that OANA is unlikely to approve the necessary funds for the project this year but might well do so next year.

Mr. Burnett said that Johns-Manville will be willing to pay for the first year of the study whether or not OANA approved money for the project.

J. B. JOBE

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2. He will report on the status of funding of the program for 1970. Present understanding is that the Asbestos Workers Union and the contractors will provide the entire cost beginning the first quarter of 1970.

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1. F. J. Solon reported on Dr. Selikoff's recommendations re the necessity of animal research to determine the health effects of water passing through asbestos/cement pipe. Dr. Wright will talk to Dr. William Smith of Fairleigh-Dickinson and perhaps others about this.
2. Solon reported on developments to date re the soon-to-begin spraying of the World Trade Center. Mr. Sabourin showed slides given him by Dr. Selikoff showing spraying being done on a new Wall Street building by the same plastering contractor that will be doing the Center.

The decision was made that J-M should not get too heavily involved in the problems associated with the World Trade Center, but that the Policy Committee be kept up to date on developments.

It was brought out that J-M does not favor asbestos spraying as a matter of policy.

3. Solon distributed a chart of upcoming medical meetings.

PRODUCED  
JM - 83

More ...

Policy Committee  
Meeting - 8/18/69

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HERBERT MORTON BALL

1. Efforts are continuing to persuade other asbestos products companies to agree upon a common outside legal counsel to fight health liability cases.

F. J. Solon, Jr.

FJS/mvds

REDACTED  
J-M 83

718

TO:

POLICY COMMITTEE

OFFICE OF THE  
GENERAL COUNSEL

C. B. Burnett  
H. M. Ball  
Dr. Thomas Davison  
J. B. Jobe  
K. V. Lindell  
A. B. Marchant  
F. L. Pundsack  
Ivan Sabourin  
F. J. Solon, Jr.  
W. L. VanDerbeek  
Dr. G. W. Wright

CC: W. P. Raines  
M. M. Swetonic  
Bert Goss  
Carl Thompson  
Jim Callaghan

REPORT OF MEETING  
PUBLIC RELATIONS SUB-COMMITTEE  
ENVIRONMENTAL HEALTH TASK FORCE  
JUNE 2, 1970

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ATTENDEES: F. J. Solon, Jr. - Chairman  
W. P. Raines  
M. M. Swetonic  
Carl Thompson - Hill & Knowlton  
Bert Goss " "  
Jim Callaghan " "

1. Raines reported on the May 27-28 hearings held by the New York City Environmental Protection Administration on the recently established regulations on sprayed asbestos. Raines reported that he believes the City plans eventually to completely ban the use of asbestos in spraying. The thrust of questioning also indicated the city is concerned about the use of asbestos in all types of construction materials, even so-called bound-in products, because of the "danger" of air pollution when the building is eventually demolished. The use of fiber glass in some applications, such as for duct lining, was also questioned.

The City's basic air pollution control code is being revised, and will be ready for hearings by July 1. The Sub-committee agreed that J-M needs to develop a position on demolition by or before that time. Thompson commented that there are existing City regulations on demolition to reduce dusts, but that asbestos is not specifically mentioned.

ACTION

Raines to contact City to determine what the next moves are re demolition and fiber glass, and to offer J-M and NIMA cooperation in the drafting of the new code. J-M people such as Fred Pundsack, Ed Fenner and Dr. Davison, among others, could prove valuable in this regard. Because of the very strong possibility that any code developed in New York could be adopted by other cities, it is essential that J-M and NIMA take a strong stand in the areas of demolition and fiber glass.

2. Raines reported on a recent newspaper article describing a six month "crash study" being undertaken by the National Air Pollution Control Administration to develop standards for asbestos pollution control. Thompson commented that this study is one of 17 similar

studies being conducted through The National Academy of Sciences by the NAPCA. Selon said that he understood Mount Sinai had the contract to study the air samples for NAPCA.

#### ACTION

Hill & Knowlton to get more information on this particular "crash study."

3. Congressman Ottinger, who is running for the Democratic nomination for Senator of New York, testified at the EPA hearings on asbestos. He called for a Federal study of asbestos uses, including but not limited to spraying, and attacked the Federal Government for its failure to act faster in the area of asbestos air pollution.

#### ACTION

It was agreed that there is no benefit to be gained in trying to see Ottinger before the primary, but that it would probably be a good move to arrange a meeting with him once it is over. (Political observers generally think that Ottinger will lose the primary and will probably not be able to run for his Congressional seat in November. However, Ottinger is a smart politician and will most likely, in one way or another, remain active on the political scene.)

4. In recent months, numerous people, including Ralph Nader, in commenting on the asbestos/health problem have quoted from the so-called Litton Report as to a "potential worldwide epidemic of cancer from asbestos exposure." This quote is taken from the "Summary & Evaluation" section of the report. This section was not accepted by HEW, which sponsored the study, and was not included in their published version of the report. The Department of Commerce, however, published the entire report including the "Summary & Evaluation" section, and it is this version which is being continually quoted.

#### ACTION

Raines to draft a brief statement explaining that the quote was not accepted by the Federal agency sponsoring the report, and quoting Dr. Wright (from the soon-to-be-published "Today's Health" article) to the effect that the man upon whose work the Litton quote is based (Dr. J.G. Thon) is an "alarmist." This statement will then be submitted to

Dr. George Wright for his review. If approved, it will be used in countering the Hilton quote, which is being used more and more.

5. The Underwriters Laboratory, which approves insulation materials for fireproofing, has scheduled a meeting on June 17 to look into the health aspects of asbestos-containing insulations.

#### ACTION

Bill Raines to attend this meeting together with J-M's listed representative, Bob Neisel of the Research Dept.

6. Plans for the establishment of a U.S. Asbestos Information Committee were discussed. It was agreed that the organization and objectives of the US-AIC should be based upon the highly successful British AIC. It was also agreed that for purposes of speed in rebutting erroneous statements in the press and elsewhere, it is essential that there be a small (two or three man) committee authorized to make such statements. It was also agreed that experts in various areas of the asbestos problem, such as Dr. Wright, Fred Pundsack, Ed Fenner and other people from member companies, should be available as "technical consultants" to the US-AIC. Solon has discussed the basic plan with K. V. Lindell and they have agreed that C. B. Burnett should advise on those companies to be invited to join us in an AIC effort.

#### ACTION

- a) Solon to confer with H. M. Ball as to legal ramifications of setting up such a Committee.
- b) Swetonic to prepare membership list of major asbestos trade associations, such as Asbestos Cement Products Association, Asbestos Textile Institute, and National Insulation Manufacturers Association.
- c) Thompson to supply organization of British AIC as model for US-AIC.
- d) Swetonic to collect samples of types of rebuttal activities which have been carried on so successfully by the British AIC.
- e) Solon to present proposed plan to upcoming Policy Committee meeting.

PROPOSAL  
U. S. Asbestos Information Committee

Purpose

1. Provide an authoritative channel of communication to all publics.
2. Publicly rebut uninformed criticism.
3. Propagate the benefits and indispensability of asbestos through advertising, publicity, speeches, etc.

Formation Procedure

1. Four companies to be founding members - all major manufacturers of asbestos-based products. Additional companies can be invited to join after organization and initial activities are under way.
2. C. B. Burnett to call formation meeting at which purpose to be explained and organization formed.

Candidate companies:

Johns-Manville .  
Certain-teed  
Raybestos-Manhattan ✓  
Flintkote ✓  
National Gypsum  
Ruberoid  
Philip-Carey

3. Officers of A.I.C. (each an officer of a founding company):
  - a. Chairman
  - b. Vice Chairman
  - c. Voting member
  - d. Voting member
  - e. Secretary

Plus Legal Counsel.

(The Secretary should be the public relations officer of his company).

4. Administrative Committee - will carry on day-to-day activities of the AIC.

Members:

- a. Secretary of AIC.
- b. Environmental Control representative.

This committee will consult with the officers, or with medical, legal or public relations consultants as the secretary deems necessary.

Activities

1. Promptly answer unjustified or uninformed criticism of the effects of asbestos uses as it relates to asbestos-health.
2. Prepare and place advertisements and press material pointing up the indispensability of asbestos in consumer and industrial uses.
3. Counsel on and arrange for communication with various interested groups - i.e., local, state, Federal government.
4. Prepare and distribute Codes of Practice for the safe handling of asbestos in various industries.
5. Prepare and distribute "position papers" on such subjects as:
  - a. Asbestos and Health
  - b. Asbestos and the General Public
  - c. Uses of Asbestos, stressing indispensability
  - d. Research in asbestos-health and such other subjects as the AIC believes advisable.
6. Prepare, produce and distribute such asbestos-health educational films as are thought necessary.

### Activities (Continued)

7. Communicate with and inform other interested groups such as:
  - a. Asbestos Textile Institute
  - b. Asbestos-Cement Products Association
  - c. National Insulation Manufacturers Association
  - d. American Institute of Architects
  - e. Consulting Engineers, etc.
8. Answer inquiries from various publics on asbestos, asbestos products, asbestos-health.
9. Maintain a public relations library on asbestos-health and distribute items of interest to member companies and other organizations.

### Meetings

AIC officers every 8 to 10 weeks on policy matters and to check general progress of activity.

Administrative Committee: As required.

### Finances

An annual budget to cover advertising and public relations expenses should be prepared with support shared by member companies in proportion to the dollar value of asbestos used by each company.

REPORT OF MEETING

ABSENT: A. B. Marchant  
Dr. T. H. Davison

POLICY COMMITTEE MEETING

ENVIRONMENTAL TASK FORCE

AUGUST 17, 1970

---

F. L. PUNDSACK

1. F. L. Pundsack reported on a four page summary of fiber glass health problems prepared by his department and presented to the National Insulation Manufacturers Association (NIMA) Health & Safety Committee by C. L. Sheckler. The summary was prepared in response to a request by NIMA for Pundsack to appear before the Health & Safety Committee.

The summary concerned the work of three researchers -- Dr. Davis at Cambridge, England; Dr. Smith at Fairleigh Dickinson; and Dr. M. F. Stanton of the National Cancer Institute. Dr. Davis produced large spreading granulomas in test animals with two types of fibrous glass, including insulation glass. The preparation of the samples for injection, however, favored the smaller, more easily respirable fibers.

Dr. Smith produced mesotheliomas with micro-quartz, but none with insulation glass. Dr. Stanton used fiber glass

pads to hold crocidolite asbestos in the pleura of the test animals. In the control group, which had only the pad inserted, no mesotheliomas were produced. A ground-up pad produced one mesothelioma in 30 rats. Insulation glass produced no mesotheliomas. Pulverized AA glass fiber produced one mesothelioma. Dr. Stanton's results showed that low concentrations of crocidolite did not produce disease in the test animals, while high concentrations did.

In response to a question, Dr. Wright commented that the amount of fibrous glass and asbestos used in such pleural injection experiments is probably thousands of times greater than any a human being would be exposed to under the worst occupational conditions.

2. J-M has arranged for Dr. Stanton to continue his animal experiments using varying concentrations of Jeffrey Mine chrysotile. He will also continue experimenting with fibrous glass of various types.

Dr. Stanton has asked Fred Pundsack to write Dr. Carl Baker, Technical Director of the National Cancer Institute, indicating the importance of this research work to the asbestos and fiber glass industries. Stanton is attempting

to obtain more test animals for his dose relationship work, and he feels that such a letter might help. The Policy Committee agreed that the letter should be written.

3. Pundsack read the caution label contained on the Cabot Corporation product, "Cabocil". In a contact with the Director of Technical Services of Cabot, Pundsack learned that the company considers Cabocil a nuisance dust and is not particularly concerned about its possible health effects. According to Cabot, animal experiments with the material produced no lasting effects, and men who have worked with it for as long as 12 years likewise showed no adverse effects.

H. M. Ball commented that J-M should reexamine the wording of its present warning labels in light of the new scientific knowledge we have gained over the past few years.

4. Pundsack reported that he, E. M. Fenner and Bill Reitze have discussed the possible termination in October, 1971, of J-M's involvement in the Insulation Industry Hygiene Research Program (IIHRP). The program had certain specific projects and goals when it was organized in 1968, and the majority of these have been accomplished. Bill Reitze feels that after the first of the year there will be no need for him to spend full time on the program. Pundsack recommended that Reitze continue full time only until

the first of the year, serve on an eight days a month basis until June of 1971, and leave the program completely after that time.

J. B. Jobe commented that if the National Insulation Contractors Association (NICA) agrees at their national meeting in October to support the IIHRP on a 1¢ per employee work hour basis, it might be to J-M's advantage to have Reitze continue in his position at Mount Sinai as a source of contact.

It was agreed that the decision on our IIHRP relationship will be made at the November Policy Committee meeting -- after the NICA national meeting.

5. Pundsack reported that J-M is investigating potential natural sources of asbestos in the ambient air.

A map is being developed showing outcroppings of serpentine and amphibole rock throughout the United States that could be subject to natural erosion and weathering. In addition, J-M is working through the Office of Polar Projects of the National Academy of Sciences to obtain dated samples of glacial ice for analysis to determine if a background level of asbestos fiber or fibrils existed in the atmosphere 500-1000 years ago. An examination of glacial ice from the State of Washington dating back to 1925 revealed

fibrils present. A similar examination of Greenland ice from 1909 is currently underway.

Dr. Wright commented that it is extremely important to establish a national background level for asbestos in order to set realistic ambient air standards. Such standards, obviously, cannot be made lower than the existing normal background level.

#### J. B. JOBE

1. J. B. Jobe reported on the recent survey of J-M micro-fiber customers in which the Celite Division sent a five-part questionnaire to 16 users. Answers received show only three customers use the product dry, while 13 use it in a wet slurry. Fourteen customers reported dust levels as being low or very low. Two reported low to medium. The only persistent complaint from the customers was of skin irritation among their employees.

Johnson & Johnson, one of the customers queried, wanted more information on the potential hazards of micro-fibers.

At a meeting with Johnson & Johnson, Dr. Wright told them that experiments performed by Drs. Gross and Davis on micro-fibers showed that the large size fibers used by their company were not capable of producing disease in test animals. The J & J people were relieved and satisfied.

Mr. Burnett commented that J-M could pre-wet micro-fibers at the plant before shipping to ensure safety in bag opening. Fenner reported that some tests had already been made on this. Burt Jobe to look into the matter further.

Dr. Wright said that he has looked at X-rays of micro-fiber workers, and had found some abnormalities.

E. M. FENNER

1. E. M. Fenner reported on various changes made in scheduling plant industrial hygiene surveys to make more effective use of time and manpower. Certain locations, such as Jeffrey Mine, are now being surveyed on a continuous basis; others twice or four times a year, others yearly or once every two years. This new system permits the Environmental Control Department to conduct special surveys as situations require.
2. Fenner reported on a meeting of the NAPCA Bureau of Air Quality Criteria that he and Dr. Speil attended recently in Durham, N.C. The purpose of the meeting was to develop methods for sampling and measuring asbestos concentrations in the ambient air. Besides Johns-Manville, representatives of three NAPCA air sampling sub-contractors attended the meeting. Each sub-contractor reported on its methods and results of sampling. Three of the four in attendance, including J-M, gave results in terms of weight of fiber. The California State Department of Health gave its results,

which were extremely low compared to J-M findings, in terms of fibers per cubic meter of air. The decision was made at the meeting to set up a sample collecting station in rural North Carolina. The samples collected, which will ideally all be exactly the same, will be sent to the three sub-contractors and to Johns-Manville for electron microscope analysis. The purpose of this program is to determine how the various measuring techniques compare with one another.

Mr. Burnett said that J-M should also examine the NAPCA sample using the same techniques we use for our in-plant surveys to see if any comparisons can be drawn between ambient air and occupational exposures.

Fenner said his department plans to begin looking at our in-plant samples with both a light and electron microscope for comparison purposes. This is presently being done with our ambient air samples.

Dr. Wright has proposed a project for sampling ambient air at certain specified distances from J-M operating locations. Fenner and Dr. Wright to get together to work out a program.

DR. GEORGE W. WRIGHT

1. Dr. Wright reported on progress thus far in the deliberations of the committee set up by NAPCA through the National Academy

of Sciences to study the problem of asbestos in the ambient air. Dr. Wright said indications are the committee will probably recommend interim controls on emissions into the ambient air. These controls will not be in the form of an ambient air TLV, and will be in effect only through 1972, when the full report of the committee is due.

Dr. Wright asked if J-M could provide information for the committee on the concentrations of EM and light microscope-sized particles in the neighborhood of J-M plants, and also information on the concentrations that might exist if controls were not in effect at those plants. It was agreed to provide as much of this type of information as is available.

Dr. Wright also commented that NAPCA representatives on the committee were convinced at first that asbestos was an extremely serious hazard to the general public, but now feel that perhaps the situation is not as bad as they had thought.

2. Dr. Wright reported on the current status of the BOSH recommendations for a Federal occupational TLV.
3. Dr. Wright reported on a meeting of the Committee on Occupational Pulmonary Diseases of the American College of Chest Physicians held recently in Corning, N.Y., to discuss possible hazards of fibrous glass. Dr. Skippers, who was scheduled to deliver a report on these hazards, did not show up. Dr. Cralley said that BOSH is getting

inquiries daily on fibrous glass, and that he felt it would be a good idea if a statement could be produced on the subject. BOSH will not prepare such a statement. The decision was made to place more fibrous glass experts on the Occupational Pulmonary Diseases Committee to discuss the subject further and develop such a statement.

4. Dr. Wright reported on recent experiments in which Dr. Marvin Kushner had test animals inhale particles of ground-up polyurethane foam. Nothing happened to test hamsters, but two out of 26 rats which were exposed to high doses of foam dust developed lung cancer, and one out of a similar group exposed to low concentrations of the same material also developed lung cancer. Dr. Kushner is presently trying to play down the importance of this experiment, because he bought the foam from a store and is not sure what contaminant materials might be in it. A committee from the plastics industry is looking into the matter. Dr. Wright agreed to send what material he has on the subject to F. L. Pundsack.

#### IVAN SABOURIN

1. Ivan Sabourin proposed that he personally visit prominent asbestos/health experts throughout the world for the purpose of collecting statements from them to the effect

that, at this time, the asbestos/health problem is by no means as serious as it once was and that it is, in fact, either completely under control or is fast coming under control.

Mr. Burnett agreed that this project has considerable merit and should be carried out. Mr. Sabourin to prepare an itinerary and cost estimate so the project may be started as soon as possible.

F. J. SOLON, JR.

1. F. J. Solon, Jr. reported on a meeting held recently at Mount Sinai with Mike Kitzmiller and Nancy Matthews of Congressman Richard Ottinger's staff to give them the true facts on asbestos/health. Ottinger has made misleading comments and statements on this subject during his successful primary campaign for the Senate. Also attending the meeting were Dr. Selikoff and Dr. Heimann from Mount Sinai, Mr. Kramer of the legal section of the New York City Environmental Protection Administration, Mr. Hutchinson of the Asbestos Workers Union, and F. L. Pundsack, F. J. Solon, Jr., and W. P. Raines of J-M.

Solon read excerpts from the meeting, which indicate that Ottinger's people are not convinced asbestos is not a public health hazard, and that the Congressman would continue

his attacks on asbestos if he felt that it was necessary and if there appeared to be political advantage in doing so. At the meeting, Solon pointed out to Kitzmiller that it was despicable practice to use a strictly occupational problem to frighten the general public about a danger of lung cancer to them. Kitzmiller's reply: "Mr. Solon, I don't agree with you. We'll continue to scare them, you have every right to try and calm them down!"

2. Solon distributed a list of upcoming meetings. Two additional meetings were noted:

Sept. 15-23, 1970 - London, England

International Symposium on Inhaled Particles  
and Vapors

(to be attended by Dr. Wright)

Sept. 23-27 - Cagliari, Sardinia

Subcommittee of Permanent Commission of  
International Association on Occupational Health

(to be attended by K. V. Lindell and Ivan Sabourin)

F. J. Solon, Jr.

FJS/mk

TO:

POLICY COMMITTEE

7187

*ERS*

C. B. Burnett  
H. M. Ball  
Dr. Thomas Davison  
J. B. Jobe  
K. V. Lindell  
A. B. Marchant  
F. L. Pundsack  
Ivan Sabourin  
A. C. Smith  
F. J. Solon, Jr.  
W. L. Van Derbeek  
Dr. G. W. Wright

NOV 30 '70  
*Pay*  
OFFICE OF THE  
GENERAL COUNSEL  
*AS*

*FILE*

**J-M**

**CS**

CC: W. P. Raines  
M. M. Swetonic  
Bert Goss  
Carl Thompson  
Jim Callaghan

REPORT OF MEETING  
POLICY COMMITTEE MEETING  
ENVIRONMENTAL TASK FORCE  
OCTOBER 19, 1970

F. L. PUNDSACK

1. F. L. Pundsack reported on Ralph Nader's recent charges that asbestos, fiber glass, diatomaceous earth and other substances are being used as additives in cigar tobacco. Approximately 5-10 per cent by weight of homogenized tobacco leaf consists of diatomaceous earth, which is used as an additive because it increases combustion and aroma, and produces a more stable ash. A total of approximately 300 tons of diatomaceous earth is sold to the cigar industry each year for this purpose. J-M sells around 90 tons.

Tests were conducted at Research on the ash from a number of popular cigar brands to determine (1) if the diatomaceous earth used as an additive converts to quartz or cristobolite, and (2) if asbestos or any other additives are also used. The results indicated that the diatomaceous earth did not convert, and that asbestos is not used, although there was evidence of glass fiber being used as an additive in White Owls and Phillies Sports. This information was relayed to the General Cigar Company, which had contacted the J-M Celite Division about Nader's charges.

F. J. Solon, Jr. reported that Dr. Selikoff became involved in the matter when Nader contacted him on the recommendation of Cuyler Hammond.

Dr. Selikoff's comments on the situation provoked the President of General Cigar Co., who is a trustee of Mount Sinai. A meeting was held at which General Cigar agreed to give Dr. Selikoff a grant of from \$50-150 thousand to conduct research into cigar additives. This large grant fell through and a much smaller grant is being considered.

2. J-M has obtained 15 samples of dated polar ice from North Greenland and from the Antarctic ice cap to determine if asbestos existed in the ambient air before asbestos was developed commercially. The samples date back to 1750. A 1909 sample from north Greenland tested earlier did contain asbestos.

The study of Federal and state geological surveys to determine possible natural sources of asbestos in the ambient air is nearing completion. Thusfar, 28 states have been surveyed and all contain either serpentine rock formations or asbestos deposits. Most, but not all of these sources, are on the surface. This study is expected to be completed by November 5.

3. J-M is one of five institutions participating in a National Air Pollution Control Administration program to evaluate methods for measuring asbestos dust concentrations in ambient air. Samples of rural air, urban air near a contamination source, and urban air away from a possible contamination source have been collected by NAPCA and will be sent to J-M and the other institutions, including Mount Sinai and the HEW Center in Cincinnati, for measurement by both light and electron microscopy. J-M has not yet received its samples.

4. The J-M program to test municipal water systems using asbestos-cement pipe for asbestos content is continuing. The results to date show very low concentrations of asbestos released from the pipe. F. L. Pundsack and Dr. George Wright will meet to discuss the possibility of sponsoring an epidemiological study of gastro-intestinal cancer in a municipal area where asbestos-cement pipe has been in use for many years.
5. Pundsack commented on the final report of the Philadelphia Ad Hoc Committee investigating the hazards of sprayed asbestos. The committee, consisting of a number of highly-regarded doctors, architects, members of industry, etc., recommended that asbestos-containing spray compounds be banned in the city of Philadelphia. The reasoning given in the report was that there is no level below which asbestos has been demonstrated to be safe.

Pundsack said this constitutes a growing problem. The committee was not a "witch hunting" type of group, yet they felt that a ban was best. Pundsack recommended that J-M marshal all the data possible on this subject, because we are going to be faced with more and more of these situations in the future.

Dr. Wright said that this situation points up the need for more research in the area of asbestos air pollution. He also said he had received a letter from Jesse Lieberman, a Philadelphia health official and member of the Ad Hoc committee, asking for his comments as to a safe level in buildings already erected which contain asbestos-insulated plenums.

Dr. Wright recommended 1 fiber per cc as a level. He further commented that if such a level is adopted, the spray contractors in Philadelphia will have grounds for going to the city and asking that asbestos spray be permitted if the accepted level is maintained. C. B. Burnett recommended that an attempt be made through our contacts with the city of Philadelphia to obtain a list of buildings containing asbestos-insulated plenums so that J-M can do dust counts.

J. B. JOBE

1. J. B. Jobe reported on a meeting held with Owens-Corning to discuss the health fund proposal which was to be presented by the Asbestos Workers Union to the National Insulation Contractors Association in Dallas. It was agreed to support the proposal, but at a lower per hour figure than that recommended by the union. In addition, it was agreed that J-M and O-C would support limiting the use of the fund to develop safety practices for on-site work only, and that the fund be administered by a joint union-contractor group, and not by the union alone. The proposal was accepted in principal by NICA at the Dallas meeting and referred to regional groups for their approval.

Fiber glass was not mentioned by either Dr. Selikoff or Union President Al Hutchinson during their speeches at the Dallas meeting.

2. J-M will continue to support the research activities of the NIMA Health and Safety Committee. NIMA is preparing a recommended program for future research, which they will submit to their membership (including J-M) for approval.

C. B. BURNETT, J. B. JOBE, F. L. PUNDSACK

1. The Insulation Industry Hygiene Research Program is entering its third year of operation, and is scheduled to end in October, 1971. There is little in the way of dust counts or field work going on any more. Pundsack recommended that Bill Reitze work for IIHRP only on a limited basis after the first of the year, and be phased out completely by the first of July.

Pundsack to discuss this with Dr. Selikoff in the near future.

IVAN SABOURIN, F. J. SOLON, JR., DR. G. W. WRIGHT

1. Solon reported on progress to date in the formation of an Asbestos Information Committee/North America. Eight companies will found it: J-M, Certain-tead, GAF (Rubaroid), Flintkote, Raybestos, National Gypsum, Philip Carey, and Woodward Iron (CAPCO). An organization meeting has been scheduled for November 5. A senior officer and a public relations representative from each company have been asked to attend. A prospectus has been developed by J-M and sent to each company.

Ivan Sabourin recommended that eventually the organization should be expanded to include miners of asbestos, as well as manufacturers.

He also said that the chairman should play an active role in the work of the Committee, and that, because of the large amount of work that needs to be done, a full-time secretary is needed.

Dr. Wright commented that in order for the Committee to have significant stature, the members should be high ranking officials in their own companies. He also said that an important function of the Committee

will be to inform the member companies, many of which have not been very active in the health problem, of what is going on.

H. M. Ball recommended that it would be advisable for a lawyer to be in attendance at all Committee meetings.

F. J. SOLON, JR.

1. Solon outlined the asbestos-spray situation as it exists today, and distributed a memo from the Public Relations Sub-Committee pointing out the serious dangers developing in this area, and the need for a reevaluation of our position regarding asbestos-spraying and demolition.

C. B. Burnett recommended that a program be undertaken immediately under the direction of Fundsack and Jobe to list all asbestos-containing materials used in high-rise construction, and to develop recommendations for their safe use and demolition.

Mr. Burnett further recommended that J-M should actively participate in every phase of the asbestos-health situation that could adversely affect the use of asbestos or asbestos-containing products.

2. A list of upcoming medical meetings was distributed and discussed. In the future, copies of the meeting list will be sent out in advance of the regular Policy Committee meeting so that Committee members can add to the list any meetings of which they are aware, and also notify us when they or someone else from the company will be attending.

DR. GEORGE W. WRIGHT

1. Dr. Wright reported on the International Symposium on Inhaled Particles and Vapors, held in London Sept. 15-23, and on the meeting of the

Subcommittee of Permanent Commission of the International Association on Occupational Health, held in Sardinia, Italy, Sept. 23-27.

Among the findings reported at the London meeting were the following:

- a) A scientist from Poland reported no asbestosis cases among 2,200 shipyard workers in Poland.
- b) Dr. Gibbs from Canada reported that he found the concentrations of trace metals in asbestos to be higher in short fibers than in long fibers, and higher in processing mills than in textile plants.
- c) Dr. Paul Gross reported finding large numbers of free fibers in the lungs of people living in Pittsburgh. His figures ranged from a low of 15,000 to a high of 380,000 fibers per gram of dried lung tissue. A six-year-old child had 89,000 fibers.
- d) A doctor investigating surface phenomena found that regular asbestos reacts differently from ground-up asbestos, and that chrysotile becomes more active as it heats up.
- e) A doctor from Czechoslovakia reported that 5 per cent of factory workers exposed to asbestos for more than 10 years showed pleural calcification. A random sampling of relatives of these workers also showed 5 per cent calcification, and 1.2 per cent of people living from 2 to 24 kilometers away from the factory studied also showed calcification.

The purpose of the Sardinia meeting was to develop a set of recommendations for sampling environments. The Subcommittee decided on the membrane

collector and the thermal percipitator as the best method. The Subcommittee also attempted to adopt a universal standard for reading X-ray films, and for a diagnosis of asbestosis. These standards were not resolved. Dr. Steve Holmes reported at the meeting he found that electron-microscope sized fibers ran anywhere from 54 to 8,000 times the number of light sized fibers in the same sample.

IVAN SABOURIN

1. Ivan Sabourin reported on a meeting of the International Association for Research on Cancer, which was held in Lyon, France. The IARC was formed to take the place of the UICC, which is ceasing operations.

F. J. SOLON, JR.  
FJS/rg

TO:

POLICY COMMITTEE

C. B. Burnett  
H. M. Ball  
Dr. Thomas Davison  
J. B. Jobe  
K. V. Lindell  
A. B. Marchant  
F. L. Pundsack  
Ivan Sabourin  
F. J. Solon, Jr.  
W. L. VanDerbeek  
Dr. G. W. Wright

CC: W. P. Raines  
M. M. Swetonic  
Bert Goss  
Carl Thompson  
Jim Callaghan

OFFICE OF THE  
FRENCH COUNCIL

TO: POLICY COMMITTEE

W. R. Goodwin  
H. M. Ball ~~Chairman~~  
Dr. Thomas Davison  
J. B. Jobe  
K. V. Lindell  
A. B. Marchant  
P. L. Pundsack  
Ivan Sabourin  
A. C. Smith  
P. J. Solon, Jr.  
W. L. VanDerbeek  
Dr. G. W. Wright

CC: W. P. Raines  
M. M. Swetonie  
Port Goss  
Carl Thompson  
Jim Callaghan

POLICY COMMITTEE MEETING

ENVIRONMENTAL HEALTH TASK FORCE

DECEMBER 14, 1970

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F. L. PUNDACK

1. F. L. Pundack reported on a meeting held with Dr. Selikoff to discuss various aspects of J-M's involvement in the Insulation Industry Hygiene Research Program. Dr. Selikoff agreed with the decision reached at the last Policy Committee meeting that Bill Reitze should begin withdrawing gradually from the IHRE, starting January 1. He will be available to the program two days a week for the first quarter of the year, one day a week during the second quarter, and after July 1, 1970, he will no longer be available on a regular basis. Reitze is currently working with Duncan Holaday on a dust prevention and control work procedures manual for insulation workers and contractors.

With regard to the J-M sponsored study of the biological effects of micro-particles, Dr. Selikoff agreed to submit a written status report on the program. J-M has not yet received this report. On January 14, Dr. Selikoff will hold a seminar at Mount Sinai for J-M personnel on the progress of this project.

5. At a meeting on December 2, the National Insulation Manufacturers Association agreed to sponsor a study by Dr. Paul Gross on the animal inhalation of extremely fine glass fibers. J-M has agreed to prepare the fiber for the study. Pundsack commented that while extremely fine fiber exists only in very small quantities in commercial insulation glass, these fibers are the most likely to cause disease, and if Dr. Gross' study shows no problem using only such extremely fine fibers, then we know there is little to worry about.

Dr. George Wright commented that the question about small sized fibers is being raised in some medical circles, and that it would be prudent for us to have an answer.

Dr. Wright also said that Dr. William Smith of Fairleigh Dickinson has submitted a proposal to the IOEH for a study of animal exposure to both asbestos and fiber glass in the plural cavity, but that the proposal has been deferred by the IOEH.

Dr. Wright said that he had asked NIMA if it was interested in co-sponsoring this study with the IOEH. NIMA showed interest, and a full proposal will be submitted shortly. The study would run 4 years and cost a total of \$270,000.

6. Pundsack distributed an inventory of 60 asbestos products used in the construction industry. This listing was prepared to assist J-M in determining the possibility of asbestos being allowed to escape into the ambient air during demolition.

J-M has made arrangements with the city of Philadelphia to take dust counts at three demolition sites in the city. Counts will be taken up-wind and down-wind of the sites, and results correlated with the type and location of demolition going on. The samples will be analyzed by both light and electron microscopy. Tests at the first demolition site are scheduled to begin within a few weeks.

Laboratory studies will also be conducted on various aspects of demolition, including impact and fracturing, as well as the handling of demolished materials. These studies will not begin until the field work has been completed, so that more realistic laboratory conditions can be set up.

It was agreed that both still and motion picture documentation of the various aspects of the field demolition work should be obtained for future use.

Dr. Wright commented that presently the Federal Government is paying more attention to problems involved in demolition than any other aspect of the community asbestos-health problem.

A. C. Smith commented that, contrary to the popular conception of demolition, the materials removed from a building are handled very carefully so as not to decrease their salvage value by damage. This includes the boilers of a building, as well as the structural steel members, both of which are covered, in many cases, with asbestos-containing insulation. The huge steel wrecking ball, so common in the public conception of demolition, would never be used on these valuable, salvageable parts.

Dr. Wright commented that he would relay this information to the NARCA officials who have been so concerned about asbestos demolition, and recommend to them that they take a closer look at the actual process before arriving at unfounded conclusions about the possible public danger.

DR. GEORGE W. WRIGHT

1. Dr. Wright reported that he had recently talked to Dr. Marcu Key, head of the Bureau of Occupational Safety and Health (BOSH), HEW, who informed him that the Bureau had settled on a Federal TLV of five fibers per cc for in-plant conditio

The report recommending this TLV will be sent within the next 3-4 weeks to the BOSH Asbestos TLV committee, of which Dr. Wright is a member, for confirmation.

Dr. Wright said that he believes that the 5 fiber level will be accepted by the committee, with the possible exception of Dr. Selikoff.

A general discussion then took place on what J-M's reaction should be to such a Federal TLV. Present J-M standards call for the wearing of respirators only above 12 fibers per cc. Because the full details of the Federal standard are not completely known, the subject of J-M's reaction was deferred until the next Policy Committee meeting.

2. The special committee set up by NAPCA through the National Academy of Sciences (NAS) to recommend public air standards for asbestos has arrived at a first draft. Dr. Wright, who is a member of the committee, reported that the draft is confined strictly to the need for and feasibility of control of industrial emissions. The draft contains no recommended community air TLV. The draft has been submitted to the Academy of Sciences and will shortly be sent by the NAS to the National Academy of Engineering (NAE) for their comments. Dr. Wright recommended that if J-M has any contacts in the NAE that we offer to them the benefit of our knowledge

in the area of asbestos dust control. Pundsack agreed to look into this.

Dr. Wright commented that he was pleased by the fact that the NEPCA people on the NAW committee now have a much better comprehension of the problem than they did when the committee first began its work. They now understand that asbestos is not as huge a hazard as they first suspected.

Dr. Wright commented that it is important that the general public learn about the value of asbestos to our society. He suggested that J-M might be able to convince a well-known scientist or economist to write an article on the subject, which J-M could then quote from or distribute as the situation demands. Pundsack commented that some writers are already starting to do stories on the economic impact of environmental problems. It was agreed that the article would have to be written by someone from outside J-M.

Solon agreed to discuss the possibility of such an article with Hill & Knowlton, and commented that the dissemination of the article to state and local governments might be a good project for the AIA/NA. Jobe suggested that we look into the type of information that exists on the subject to see if we have a story to tell.

E. J. SOLON, JR.

1. Solon read from the minutes of the second meeting of the AIA/NA, which was held December 4<sup>th</sup> at CHQ. Harold McNabb, Executive Vice President of Certain-Tied, and President of the Association, appointed Ed Penner and Matt Swetonic of J-M, and Jerry Woodhead of Certain-Tied to serve on the Administrative Sub-Committee of the AIA/NA. (W. P. Raines was elected Secretary of the Sub-Committee at the formation meeting, held in November.) Solon was elected Vice President of the Association. Some of the other business conducted at the meeting included:

- a) The Board of Directors approved a J-M statement on the suggested functioning of the Administrative Sub-Committee.
- b) A committee was appointed to set guidelines for adding new members to the Association as well as for paying dues after 1971 (J-M will cover the full cost of operations for 1971).
- c) A press conference to announce the formation of the AIA/NA will be held sometime in January in New York.
- d) The Association will be incorporated as a non-profit organization.
- e) The Board of Directors agreed that if it can be arranged, it would be beneficial to have the Scientific

Advisory Committee of the ICHH serve as an unofficial medical advisory board to the AIA/NA. Dr. Wright agreed to bring up the matter at the next Scientific Committee meeting and advise Solon of the outcome.

- f) The member companies of the AIA/NA will be added to the mailing list for the 1-M monthly mailings of asbestos-health material.
- g) The question of an industry posture on asbestos spraying was discussed. A draft statement, prepared by J-M, was distributed to the board members for review. It was agreed that a representative from the Association should present industry's point of view at the upcoming New York City hearings on the revised Air Pollution Code, which calls for a ban of asbestos-containing spray compounds. F. L. Pundsack was suggested as a possible representative.

Pundsack agreed to represent the AIA/NA at the hearings. He commented that he would like to be grilled on the various aspects of the asbestos-health subject, as a sort of rehearsal for his appearance.

2. Copies of a list of upcoming medical meetings were distributed and discussed.

DR. T. H. MACDONALD

1. Dr. Davison distributed copies of a report from H. M. Jackson on Dr. L. J. Bristol's x-ray study of J-M employees at locations with possible dust disease exposures. Dr. Bristol examined films from 8,866 J-M employees at 24 locations. Jeffrey Mine was not included because Dr. MacDonald is studying employees at that location. 534 employees, or 6 per cent of those studied, showed evidence of pneumoconiosis on their films. An additional 1,199, or 13.5 per cent, showed bronchovascular prominence, a condition which "can grossly be interpreted as precursors of pneumoconiosis development."
2. Dr. Wright reported that his review of x-rays of employees in J-M micro-fiber production showed no difference between those exposed to micro-fibers and those exposed to other types of fibrous glass.

F. L. PUNDSACK

1. Pundsack reported that Dr. Selikoff is planning to run four or five two-day courses around the country on proper industrial hygiene practices for contractors and union groups. Dr. Selikoff asked Pundsack if J-M was interested in participating. Pundsack asked Dr. Selikoff to provide more detailed information on the program.

F. J. SOLON, JR.

1. Solon showed the new film entitled "Why Asbestos?" produced by the Asbestos Information Committee in Great Britain on the indispensable uses of asbestos. A general discussion of the film followed . . . everyone agreed it had dramatic appeal. It was further agreed that the new AIA/EA should look into the production of such a film for use in this country.

F. J. Solon, Jr.

FJS/dm

General Headquarters  
May 5, 1971

TO: POLICY COMMITTEE

J. B. Jobe  
H. M. Ball  
C. B. Burnett  
T. H. Davison, M.D.  
J. E. Hesse  
K. V. Lindell  
A. B. Marchant  
F. L. Pundsack  
W. P. Raines  
Ivan Sabourin  
F. J. Solon, Jr.  
A. C. Smith  
W. L. VanDerbeek  
G. W. Wright, M.D.

SELIKOFF AND ASBESTOS IN WOMENS' COATS

The attached memorandum from Matt Swetonic to the AIA/NA directors gives the background of the story that many of you probably saw in yesterday's NEW YORK TIMES.

From the beginning, it has been evident that the asbestos industry is on the horns of a real dilemma in regard to the use of Italian fiber in cloth imported into this country. We can hardly support a use that is "artificial" and obviously designed to evade customs duty. On the other hand, we cannot be put in the position of agreeing that the few asbestos fibers that might be inhaled by the wearer of one of the coats would constitute a health menace. Hence, our decision to stay out of this even, though the resulting publicity makes us retch.

W. P. Raines



## ASBESTOS INFORMATION ASSOCIATION

1835 K Street, N.W., Washington, D.C. 20006 • (202) 223-4885

### EXECUTIVE COMMITTEE MEETING

Tuesday, September 7, 1976

Stouffer's National Center Hotel

Arlington, Virginia

The meeting was called to order at 2:05 P.M. at Stouffer's National Center Hotel, Arlington, Virginia, Present were:

|                               |                                                              |
|-------------------------------|--------------------------------------------------------------|
| Thomas A Dougherty            | Certain-teed Corp.;<br>President, AIA/NA                     |
| George Barge                  | Atlas Asbestos Company                                       |
| John H. Marsh                 | Raybestos-Manhattan, Inc.                                    |
| Dimitry Poutiatine            | Johns-Manville Corp.                                         |
| William C. Thurber            | Union Carbide Corp.                                          |
| C. Fred Workman               | Nicolet, Inc.                                                |
| R. H. Mereness                | AIA/NA Executive Director                                    |
| Others:                       |                                                              |
| Joseph A. Artabane, Jr., Esq. | Cadwalader, Wickersham & Taft                                |
| Adrian C. May, Jr., Esq.      | Cadwalader, Wickersham & Taft                                |
| Guy G. Gabrielson, Jr.        | Nicolet, Inc, Chairman,<br>Asbestos Regulation Task<br>Force |
| A. H. Fay                     | Past President, AIA/NA                                       |
| Richard T. Davis              | Frank C. Frantz & Co.                                        |
| B. J. Figg                    | AIA/NA Administrative Assistant                              |

### Minutes

On motion, minutes of previous meeting, August 19, 1976, were approved as submitted.

### Financial Report

Financial Report for calendar (fiscal) year 1976 as of August 31, 1976 was distributed and reviewed. Mr. Barge pointed out that the total negative variance under accrual accounting system was closing and that end-year projections indicate expenditures will be within current budget. As of August 31, the Association had total assets of \$93,660; liabilities of \$48,780 and net worth of \$44,880. Mr. Davis explained that the current

dues rate for 1976 (2.5 mills), approved at the March 26 Board of Directors meeting, had been applied to third and fourth quarter billings. On motion, the financial report was approved as submitted.

Mr. Dougherty reintroduced the matter of possible audit of the Association's finances, an item carried over from the June 9, 1976 Executive Committee meeting. Following discussion, it was agreed that the Board of Directors at meeting Sept. 8 should determine whether an audit should be conducted.

#### Revision of Association By-Laws

Mr. Dougherty invited attention to Draft II of Association By-Laws. The draft was forwarded to members by AIA/NA memorandum of August 27. He suggested that time limitations at the Board of Directors and Annual Meetings September 8 precluded detailed discussion and action at that time. He proposed that the Executive Committee conduct a line-by-line review of the Draft and that the Association's counsel incorporate possible changes for a final draft before submission to members, the refined draft to be forwarded as soon as practicable to members by the Executive Director for consideration and formal action at the December Board of Directors meeting.

A lengthy discussion followed, with Association counsel noting agreed upon changes.

#### Comments by Counsel on Injunctive Relief Proposed OSHA Standards

Mr. May spoke to the possibility of seeking injunctive relief from OSHA in the event the public hearing for the proposed revision to the asbestos (manufacturing) standard is scheduled separate from a proposed asbestos standard for the construction industry. He stressed economic feasibility as significant basis for such action. Reference was made to the Association's letter dated July 27 to Dr. Morton Corn reiterating primary recommendation of AIA/NA response to OSHA on proposed manufacturing standard that simultaneous consideration of manufacturing standard and yet to be proposed construction standard be affected. The Executive Director noted no response to the letter had been received. Following discussion, it was agreed that a special meeting of the Executive Committee should be convened to further consider this subject in event formal notification is received that an exclusive public hearing on the manufacturing standard is scheduled.

#### Remarks of Executive Director

Attention was invited to Association's response dated Sept. 1 to Consumer Product Safety Commission (CPSC) on petition filed July 15 by Natural Resources Defense Council, Inc. and Consumers Union of U.S.A., Inc. to ban patching compounds (taping, spackling and joint sealing) containing asbestos, copy in folders. It was noted that CPSC acknowledged receipt of AIA/NA's comments on September 3. Appreciation was expressed to Dr. Rhodes,

Mr. Gabrielson and Mr. Fay for their assistance in development of this response.

A report on plans for the Third Annual Industry-Government Conference September 8-9 was given, including logistic arrangements, attendance information, and estimated income. The Executive Director said he had knowledge of one company, Nilfisk of America, Inc., a manufacturer of industrial suction equipment, which planned to display products by use of a hospitality suite. He emphasized that the Association had advised the Nilfisk representative that his activity was not to be construed as an endorsement by the Association of the products.

The Executive Director reported that he had been in contact with Mr. Norman Rhodes regarding retransmittal of TBA supplemental data as had been requested at Executive Committee meeting of August 19. The data has not been received to date but was expected momentarily. (Note: Data was received September 10 and forwarded same date under cover of memorandum to Mr. Gabrielson, Dr. Weill, and Dr. Kotin for review prior to being submitted to OSHA.)

On motion, a bill from Dr. Philip E. Enterline in amount of \$1,142.00 for services and transportation expenses in support of the Association's Legal/Medical Research Program (literature research pertaining to asbestos and health) was approved for payment.

#### International Asbestos Information Conference

Mr. Marsh proposed that discussion of the benefits of AIA/NA membership in the International Asbestos Information Conference be delayed until the October 14 meeting of the Executive Committee following his meeting with IAIC standing committee members on October 12 in London.

Mr. Marsh reported on the International Metalworkers Federation World Conference on Health Hazards in Metal Working Industries held in Oslo, Norway, August 16-19, 1976. A significant aspect of the meeting was a resolution calling for 0.1 f/cc permissible limit for exposure to asbestos dust. Mr. Marsh said Dr. Irving J. Selikoff, Chairman of the Federation's Scientific Advisory Committee advised Dr. Klaus Robock that he supported this action in order to prevent a resolution prohibiting the use of asbestos. It was pointed out that the meeting underscored international concerns regarding asbestos-health issues.

Mr. Marsh said he will attend the IAIC October 12 meeting in London as the Association's representative to discuss permanent office location and naming of secretary general for the Standing Committee preliminary to further consideration at the IAIC Conference in Hamburg November 4-5.

Work in Connection with OSHA Asbestos  
Standards

Mr. Gabrielson said there had been no change in status of OSHA's proposed revision to the asbestos standard (manufacturing) since his report at the August 19 meeting of the Executive Committee. The Inflationary Impact Statement (IIS) prepared by CONSAD Research Corp. is yet to be "certified" by Department of Labor. Reference was made to Mr. Mereness' comments on retransmittal of TBA's supplemental data. Mr. Gabrielson reiterated that Mr. Norman Rhodes and Dr. Steve Holmes would be available to testify at public hearing on the proposed standard. He said Mr. Jerry Hebb will also be available to testify in support of the Weston study.

Mr. Gabrielson reviewed his efforts to date regarding possible contractors to perform an independent study of the construction industry in anticipation of OSHA's issuance of a proposed asbestos standard. He said four bids had been received in response to the request for proposal. They are:

| <u>Contractor</u>                                          | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> | <u>Total</u> |
|------------------------------------------------------------|----------------|-----------------|------------------|--------------|
| Equitable Environmental Health, Inc.<br>Woodbury, N. Y.    | \$40,900       | \$60,000        | \$35,000         | \$135,900    |
| Betz Environmental Engineers, Inc.<br>Plymouth Meeting, PA | 46,880         | 53,780          | 21,450           | 122,110      |
| The Franklin-Hahnemann Institute<br>Philadelphia, PA       | 37,600         | 26,000          | 35,800           | 99,400       |
| Charles T. Main, Inc.<br>Boston, Mass.                     | 30-40,000      | 90,000          |                  | 120-130,000  |

Mr. Gabrielson recommended and it was agreed that no further consideration should be given to bid of Charles T. Main, Inc. since their response did not indicate a level of qualification to perform. He reviewed the strength and weaknesses of the remaining three proposals. A discussion as to possible funding alternatives followed. Mr. Thurber recommended that Mr. Gabrielson be authorized to select one firm from the three remaining consultants and enter into a contract for Phase I of the construction study with an appropriate cancellation clause included in event financial support is not forthcoming. He further proposed funding for Phase I (estimate \$50,000) be initially defrayed from the Association's reserve funds and ultimately from primary segments of the industry or, alternatively, by an 18% assessment of 1976 membership dues.

Funding for phases II and III to be included in the 1977 budget which could be accomplished by maintaining the same dues rate for 1977 as is currently the rate (2.5 mills) for 1976. The proposed 18% assessment for 1976 to be formally acted on by ballot vote which will be forwarded to members with requested return date of October 12, 1976. On motion, the recommendation was approved to be presented at Board of Directors meeting September 8. It was pointed out that the funds to support Phase I of the study may be provided as result of a meeting of chief executive officers of a number of member companies tentatively set for October 7 in New York City (concept approved at August 19 Executive Committee meeting). Solicited contributions from non-member companies and increased dues from a possible associate member category could also offset study expenses in 1977. Mr. Gabrielson said to date he had not been successful in obtaining an invitation to speak with the directors of the Quebec Asbestos Mining Association as regards the AIA/NA programs and expenses in connection with OSHA standards setting.

He said the meeting of the Legal/Medical Research Committee in New York City on August 24 was encouraging and considerable work had been accomplished by Special Counsel, Wendell B. Alcorn, Esq. and Dr. Enterline. He stated he had met with Mr. Alcorn and Dr. Weill to review a potential list of expert medical witnesses. It is planned that these individuals would be available to testify as might be required by member companies named as defendants in asbestos-related litigation cases. Mr. Alcorn will discuss this matter with the named individuals at the earliest opportunity. Medical Witnesses could serve two functions: (1) testify as to the actual health of a plaintiff, and (2) review the work being accomplished by Dr. Enterline and testify on state of the medical art.

Responding to Mr. Thurber, Mr. Gabrielson discussed status of multi-district panel approach to pending federal cases. The Judicial Panel on Multidistrict Litigation has ordered the parties in various asbestos products liability suits to show cause why these suits should not be consolidated for pretrial proceedings. Mr. Gabrielson referred to a memorandum on the subject which had been prepared by Cadwalader, Wickersham & Taft in New York. The "work product" is available to AIA/NA members upon request from company attorneys. He explained that such memoranda are considered protected from discovery. He said it was Cadwalader's opinion that it would probably be in the industry's best interest to oppose the multi-district procedure and seek separate trials. Mr. Gabrielson stated many insurance carriers including those of mining companies in Canada, had registered opposition to the procedure.

In regard to "work product" memoranda, Mr. Gabrielson explained that it is necessary to request each member company of the Association, other than those who have members on the Legal/Medical Research Committee, to designate an associate member of Committee. The matter will be presented at the September 8 Board of Directors meeting.

Agenda for Board of Directors and Annual Meeting

Agenda were approved as presented.

Other Business

Mr. Dougherty presented the following schedule for Executive Committee and Board of Directors meetings during the ensuing work year:

Executive Committee

Board of Directors

October 14, 1976  
November 11, 1976  
December 8, 1976  
January 13, 1977  
February 10, 1977  
March 9, 1977  
April 14, 1977  
May 12, 1977  
June 8, 1977  
July 14, 1977  
August 18, 1977  
September 20, 1977

December 9, 1976  
  
March 10, 1977  
  
June 9, 1977  
  
September 21, 1977

The next regular meeting of the Committee will be held in the Association's office commencing at 9:00 A.M., Thursday, October 14, 1976.

Adjournment

There being no further business, the meeting was adjourned at 6:35 P.M.

  
R. H. Mereness  
Executive Director

September 17, 1976

To: P. Kotin, M.D.

Date: July 11, 1979

From: E. M. Fenner

Copies:

Subject: LARYNGEAL CANCER - ASBESTOS EXPOSURE  
BENDIX CORPORATION OF CANADA

Mr. James Weber, Manager, Safety and Protection Services for the Bendix Corporation, is a member of the AIA/NA Technical and Monitoring Committees. Mr. Weber is in Denver presently for meetings of these committees.

Mr. Weber called me this morning concerning a problem confronting the Bendix plant in Windsor, Ontario, Canada. Their UAW local union has submitted to the Workers' Compensation Board of Canada an extensive document, approximately 150 pages, detailing a claim that five Bendix employees have contracted laryngeal cancer as a result of their exposure to asbestos in the Bendix plant.

The compensation board presently is considering the union's submittal and plans to make, within the next two to three weeks, a decision as to whether or not the diseases are occupationally caused and therefore compensable. If the compensation board rules in favor of the union request, Bendix plans to contest.

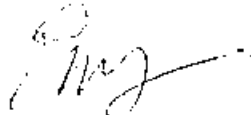
The purpose of Mr. Weber's call was to ask for a meeting with you Thursday or Friday of this week to discuss three requests:

- (1) Would you meet with Mr. James Armstrong, Director, Safety and Protection Services of Bendix, an in-house attorney from Bendix, an outside lawyer representing Bendix in Canada, and Mr. Weber, to discuss the subject of laryngeal cancer and asbestos exposure.
- (2) Would you review a written text that the Bendix Canadian counsel prepares, based on information received during your meeting, for submittal to the Canadian Workers' Compensation Board.

P. Kotin, M.D.  
July 11, 1979  
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(3) Would you act as an expert witness for Bendix if  
the cases come to trial.

I told Mr. Weber that I was sure you would agree to meet with  
him, but I could not predict your reaction to the three requests.

  
E. M. Fenner