PLAINTIFF'S EXHIBIT

ACPA-12

BURNS & VAN KIRK
535 FIFTH AVENUE
NEW YORK, N. Y. 10017

JOSEPH W. BURNS
DONALD C. MAIN
ALAN PALWICK
BLACKWELL SMITH
W. PHILIP VAN KIRK
BRADLEY WALLS

TELEPHONE 212 MU 3-
CABLE ADDRESS "AUBUR

August 26, 1969

MEMORANDUM

TO: J. H. Davies, Atlantic Asphalt & Asbestos, Inc.
C. I. Read, Atlantic Asphalt & Asbestos, Inc.
S. D. Weaver, Cement Asbestos Products Company
Dan Ferry, Cement Asbestos Products Company
A. E. Alpine, Certain-teed Products Corporation
M. S. Davis, Jr., Certain-teed Products Corporation
P. J. Ryker, Certain-teed Products Corporation
L. F. Kaas, Certain-teed Products Corporation
J. D. Moran, The Flintkote Company
W. N. Knorr, The Flintkote Company
H. R. Mesler, GAF Corporation
J. G. Hall, GAF Corporation
A. Hall, GAF Corporation
E. C. Cerny, Jr., Johns-Manville Corporation
F. W. Ingham, Johns-Manville Corporation
C. L. Sheckler, Johns-Manville Corporation
A. H. Fay, National Gypsum Company
F. H. Zimmerman, National Gypsum Company
E. A. DiSalvo, Philip Carey Corporation
L. J. Knippa, Philip Carey Corporation
J. Steiner, Supradur Manufacturing Corporation
K. Fred Netter, Supradur Manufacturing Corporation
Kurt Schwarz, Supradur Manufacturing Corporation
C. P. Kipp, U. S. Gypsum Company
J. A. Main, Health & Safety Council/ACPA

Gentlemen:

I enclose my draft minutes of the Health & Safety Council meeting held in New York on August 19, 1969.

Please note the following change of date:
THE NEXT MEETING OF THE HEALTH & SAFETY COUNCIL WILL BE HELD ON FRIDAY, NOVEMBER 21, 1969 at 22 East 40th Street, New York, in Johns-Manville's 4th floor meeting room at 9:30 A.M.

Yours sincerely,

A. H. FAY

BW:LZ
Encs.

37023

MINUTES OF THE FOURTH MEETING OF THE

HEALTH & SAFETY COUNCIL/ACPA

August 19, 1969

A meeting of the members of the Health & Safety Council of the Asbestos Cement Products Association was held pursuant to notice, at the Biltmore Hotel, New York, New York at 9:30 A.M. on August 19, 1969.

The following persons were present:

J. H. Davies, Atlantic Asphalt & Asbestos, Inc.
A. E. Alpine, Certain-teed Products Corporation
L. F. Kaas, Certain-teed Products Corporation
P. J. Ryker, Certain-teed Products Corporation
H. R. Mesler, GAF Corporation
A. Hall, GAF Corporation
E. C. Cerny, Jr., Johns-Manville Corporation
F. W. Ingham, Johns-Manville Corporation
A. H. Fay, National Gypsum Company
F. H. Zimmerman, National Gypsum Company
J. Steiner, Supradur Manufacturing Corporation
K. Fred Netter, Supradur Manufacturing Corporation
C. P. Kipp, U. S. Gypsum Company
J. A. Main, Health & Safety Council/ACPA
B. Walls, Esq., Burns & Van Kirk

The meeting was called to order by the Chairman, Mr. James A. Main. The minutes of the last meeting of the Council held on May 20, 1969, which had been previously mailed to all members, were upon motion duly made and seconded, unanimously approved with the direction that a letter of June 9, 1969 from Mr. Kurt Schwartz to Bradley Walls with reference to that meeting be appended thereto and be sent to each member of the Council.

Mr. Cerny delivered the Treasurer's Report and stated that the present balance in the account of the Council is $2,914.99. Mr. Cerny also reported that $350 had been received from each of the ten members of the Council, including Philip Carey Corporation which rejoined the Council in June 1969. Mr. Cerny also reminded the members of the budget approved at the February 18, 1969 meeting which is as follows:

Miscellaneous Expenses, Including Travel	$ 500
Administration	1,000
Legal	2,000
	$3,500

On motion duly made and seconded, the Treasurer's Report was accepted as read.

Mr. Main reported that he had addressed a letter under date of June 26, 1969 to Mr. Carl A. Gnam of the Miscellaneous Metals and Mines Division, U. S. Department of Commerce, Business and Defense Services Administration, in opposition to House of Representatives Bill No. 2503; "A Bill to Promote the Safety of Workers Engaged in Making Asbestos Products for Shipment in Commerce and for Other Purposes". Copies of that letter had been mailed to all members of the Council. Mr. Main stated that Mr. Gnam had acknowledged in writing his receipt of Mr. Main's comments. Mr. Main was of the opinion that H.R. 2503 is likely to die in Committee. He observed, however, that the progress of the Bill should be watched to the end that if there is to be any dust control bill passed by Congress, such a bill should apply to all mineral dust.

Mr. Main noted that he had sent each member of the Council a copy of Safety and Health Standards published by the U. S. Department of Labor in the May 20, 1969 edition (Volume 34, No. 96) of the Federal Register. These rules and regulations constitute amendments to the Walsh-Healey Public Contracts Act. Part D (Gases, Vapors, Fumes, Dusts and Mists) limits threshold values of asbestos dust to 12 fibers per milliliter greater than 5 microns in length or 2 million particles per cubic foot of air.

With reference to membership in the Industrial Hygiene Foundation, Mr. Main stated that in accordance with the directions voted at the May 20th meeting of the Council, he had applied for membership in the name of ACPA in the IHF. The cost of membership will be $100.

Mr. Main reported his contacts with Dr. deTreville, President of the Industrial Hygiene Foundation. Mr. Main had asked Dr. deTreville to address the Council and Dr. deTreville was of the opinion that the Council members should plan a meeting at the Foundation's headquarters in Pittsburgh where the members could examine the projects and activities of the IHF in person. Dr. deTreville noted that the IHF has done considerable research in connection with asbestos, and has been conducting noise studies which might also be of interest to this Council. In response to

Mr. Main's question, the meeting was of the consensus that the February 1970 meeting of the Council should be held in Pittsburgh. Mr. Main will make arrangements with Dr. deTreville for a presentation to be made to the Council on or about February 17, 1970 in Pittsburgh.

Mr. Main announced that the meeting of the Council scheduled for November 18th in New York will be in the nature of a report of one year's activity of the Council to its sponsoring organization, the Asbestos Cement Products Association. The meeting will also include reports of studies being made by the Quebec Asbestos Mining Association, studies being done at Mt. Sinai and other reports on studies concerning problems in the asbestos cement industry. Mr. Main asked Mr. Kipp, Mr. Zimmerman and Mr. Sheckler to work with him in preparation of the November meeting. He also asked all members to urge their principal officers to attend the November meeting so that this annual review can be heard by as many men in management positions as possible. Because attendance at the November meeting is expected to be sizable and because slides and charts may be required, it was suggested that the meeting room at Johns-Manville's New York headquarters be requested for that date.

The meeting then considered the proposed brochure on recommended practices for fabricating, handling and applying asbestos cement products in the building and construction industries. Mr. Main stressed the need for a positive statement in the brochure to the effect that there is no risk to the public in the use of finished asbestos cement products. There is no evidence of danger and no evidence of unreasonable risk to dealers, handlers or fabricators, except when asbestos cement products are misused. It is against such misuse that the brochure should be designed.

General comments about the brochure were then voiced and discussed. Mr. Zimmerman expressed his opinion that until further studies had been completed, the brochure is premature. Mr. Netter felt that in light of the fact there is no evidence of causation of Asbestosis by finished installations, no brochure should be published, or positive statements should be made that no danger is apparent and specific statements should be made as to where risks may occur.

Mr. Steiner opposed dissemination of the booklet in the present form and expressed his opinion that major dangers were limited to enclosed factory areas. Mr. Cerny stressed the need for additional editorial work on the pamphlet. Mr. Hall discussed the possibility that this brochure in its present state might invite third party claims and questioned whether the brochure might not be published by another organization. Considerable discussion followed of the legal problems involved in distributing

and publishing the booklet, and it was the opinion of Mr. Walls that the printed warning of dangers of prolonged exposure could have a positive value in the reduction or elimination of punitive damages claimed in third party suits.

Mr. Fay made the following points: (1) Under certain circumstances certain segments of the asbestos cement industry should be warned that there may be dangers involved with asbestos cement products; and (2) The Council should decide who are to be warned and how to define the groups that are to be warned. It was his belief that the brochure can be written with these groups in mind and that the brochure could define with some particularity when dangerous conditions can exist and where and when dangerous conditions will not exist.

It was the consensus of the meeting that Mr. Sheckler be asked to convene a meeting with Messrs. Alpine, Mesler and Zimmerman as soon as possible to consider the comments of the Council in this meeting and at the May 20th meeting and to continue its editorial work on the brochure.

Mr. Zimmerman reported that there had been no meetings of the Environmental Control Committee since its session at Manville. He noted that six states, including New York, New Jersey and Massachusetts have already been certified by the Federal Government to inspect under the Walsh-Healey Act. He expressed his opinion that many states will revise their laws to conform to the standards of the Walsh-Healey Act. Mr. Zimmerman noted that the U. S. Department of Labor presently employs only 31 inspectors. He felt that unless the Department of Labor employs more inspectors, it would seem logical that the states themselves would have to do much of the required inspection. He also noted that the new Federal Mining Safety Act regulations of July 31st are being very strictly enforced. He called to the attention of the meeting the President's message of August 6th on the Occupational Safety and Health Act of 1959.

Mr. Kipp reported that the Committee on Legislation, Litigation and Insurance met on August 18th in New York. At that time the Committee explored avenues of communication and liaison. The members of this Committee will contact the Legal Committee of IHF to determine its activities and functions, and will also approach the American Insurance Association for information and assistance. The members of the Committee will also check with their legal departments to find out what developments are occurring in litigation involving health and safety problems linked to asbestos cement products. In addition, the Committee will attempt to establish liaison with the QAMA Institute of Occupational and Environmental Health. This Institute maintains a clipping service

on legislation and litigation, and it may be able to assist the Committee in assessing developments in these fields. Others to be contacted will be the American Mutual Insurance Alliance and other associations concerned with environmental health. The next meeting of the Committee will be held on November 17th in New York.

New Business. Mr. Main announced that as of August 1, 1969, he had retired from The Flintkote Company. He noted that in discussions with Mr. Fay, he would be pleased to continue as Chairman of the Health & Safety Council if asked, and that Flintkote had advised him that his continuation as Chairman would be agreeable to that corporation. Mr. Main withdrew from the meeting and Mr. Fay, as President of the ACPA, assumed the chair. After discussion, it was unanimously resolved that Mr. Main be retained by this Council as its Chairman and that he be compensated for his work as Chairman at the rate of $150 plus expenses for each day of meetings called by the Council and attended by him. Mr. Fay also noted that the budget adopted by the Council on February 18, 1969 provided for costs of administration in the amount of $1,000. This amount appears to be adequate for Mr. Main's retainer.

Mr. Main rejoined the meeting and accepted his Chairmanship and the terms thereof.

All members should note Mr. Main's address:

JAMES A. MAIN
27 Bradrick Lane
Allendale, New Jersey 07401
Telephone: 201 - 327-1372

There being no further business to come before the meeting it was, on motion duly made and seconded, adjourned until November 18, 1969.

Respectfully submitted,

Bradley Wills