

FILE NAME: Johns-Manville (JMA)

DATE: 1973-1974

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Asbestos Information Association

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DEPOSITION
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CERTIFICATE OF INCORPORATION

OF

ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

The undersigned, a natural person, for the purpose of organizing a corporation not for profit and without authority to issue capital stock under the provisions and subject to the requirements of the laws of the State of Delaware (particularly Chapter 1, Title 8 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified and referred to as the "General Corporation Law of the State of Delaware"), hereby certifies that:

FIRST: The name of the corporation (hereinafter called the "Corporation") is Asbestos Information Association/North America.

SECOND: The address, including street, number, city, and county, of the registered office of the corporation in the State of Delaware is 229 South State Street, City of Dover, County of Kent, Delaware 19901; and the name of the registered agent of the corporation in the State of Delaware at such address is The Prentice-Hall Corporation System, Inc.

THIRD: The corporation is hereby organized to obtain and disseminate authoritative information to governmental groups, news media and interested segments of the public concerning the relationship between asbestos and human health and concerning the most appropriate methods of using asbestos to minimize any effect on human health while retaining the benefits to the public resulting from continued use of asbestos to take advantage of its proven value.

The corporation shall have the authority to exercise all of the powers conferred upon corporations organized not for profit and without authority to issue capital stock under the

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provisions of the General Corporation Law of the State of Delaware, provided, that the exercise of any such powers shall be in furtherance of any one or more of the aforesaid exempt purposes of the corporation.

FOURTH: The corporation is not to have authority to issue capital stock.

FIFTH: The name and the mailing address of the incorporator are as follows:

<u>NAME</u>	<u>MAILING ADDRESS</u>
G. Earl Parker	22 East 40th Street New York, New York 10016

SIXTH: The powers of the incorporator shall terminate upon the filing of this Certificate of Incorporation. The names and mailing addresses of the persons who are to serve as directors of the corporation until the first annual meeting of the Members or until their successors are elected and qualify are set forth below in accordance with Section 102(a)(6) of the General Corporation Law of Delaware.

<u>NAME</u>	<u>ADDRESS</u>
A. H. Fay	325 Delaware Avenue Buffalo, N. Y. 14202
R. Power Fraser	140 West 51st Street New York, N.Y. 10020
Harold McNabb	c/o Certain-teed Products Corp. Valley Forge, Pa. 19481
James D. Moran	400 Westchester Avenue White Plains, N.Y. 10604
F. J. Solon, Jr.	22 E. 40th Street New York, N.Y. 10016

E. W. Swain

320 S. Wayne Avenue
Cincinnati, Ohio 45215

Davis Weaver

c/o Woodward Iron Company
Woodward, Alabama 35129

S. R. Zimmerman

c/o Raybestos-Manhattan Corp.
Manheim, Pa.

SEVENTH: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Court of Chancery of the county in which the registered office of the corporation is then located.

EIGHTH: For the management of the business and for the conduct of the affairs of the corporation, and for the creation, definition, limitation and regulation of the powers of the corporation and of its directors and of its members, as the case may be, it is hereby provided:

1. The original By-Laws of the corporation shall be adopted by the incorporator. Thereafter, the power to make, alter, or repeal the By-Laws shall be vested in the governing body of the corporation.

2. The business and affairs of the corporation shall be managed by its governing body, which, in this certificate of incorporation, is referred to as a Board of Directors, although the members

of said governing body may be designated as trustees, managers, governor, or otherwise under any provision of the By-Laws.

3. The number of directors constituting the initial whole Board of Directors shall be the number fixed in the original By-Laws. Thereafter, the number of directors constituting the whole Board shall be fixed from time to time in the manner prescribed in the By-Laws. The phrase "whole Board" shall be deemed to mean the total number of directors which the corporation would have if there were no vacancies.

4. Directors shall have such qualifications as may be prescribed in the By-Laws. The first Board of Directors shall be elected by the incorporator. Thereafter, each successive Board of Directors shall be elected by the members of the corporation; provided, that, in the interim between annual or special elections by such members, the directors in office, though less than a quorum, may fill any newly created directorship and any vacancy other than one resulting from the removal of any director or directors by such members.

5. Meetings of the Board of Directors shall be held at such place within or without the State of Delaware as may be designated by or in the manner provided in the By-Laws. Except as the General Corporation Law of the State of Delaware or as this certificate of incorporation may otherwise provide, the By-Laws of the corporation shall or may provide, as the case may be, for the time, call, lapse of period of time after notice, and actual or constructive notice, if any, of meetings of the Board of Directors, or of actual or constructive waiver of notice thereof, if any,

for the conduct of meetings of the Board, and for action in writing of all directors and of any duly constituted committee thereof in lieu of any meeting.

6. Except as the General Corporation Law of the State of Delaware or any provision of this certificate of incorporation may otherwise provide, a majority of the whole Board of Directors shall constitute a quorum, and the act of a majority of the directors at a meeting at which a quorum is present shall be the act of the Board.

7. Any or all of the directors may be removed for cause or without cause by action of a majority of members.

8. The corporation shall have one class of members. Each member shall be entitled to vote in the election of directors of the corporation and to vote in such other proceedings as the General Corporation Law of the State of Delaware shall confer voting power on members entitled to vote in the election of directors of the corporation. Each of the members shall be entitled to one vote in all proceedings in which said members are entitled as of right to vote under any of the provisions of the General Corporation Law of the State of Delaware and in all proceedings in which the members are entitled to vote under any provisions of this certificate of incorporation and of the By-Laws. Except as may be otherwise provided by the General Corporation Law of the State of Delaware, a majority of the members shall constitute a quorum at any meeting of members, and, except in the election of directors, a majority of the votes cast, a quorum being present, shall be the act of said members. In the election of directors, at which voting need not be by ballot, a plurality of the votes cast shall elect. The By-Laws shall provide for the conditions of membership in the corporation.

9. Meetings of the members shall be held at such place within or without the State of Delaware as may be designated by or in the manner provided in the By-Laws. Except as the General Corporation Law of the State of Delaware or as this certificate of incorporation may otherwise provide, the By-Laws of the corporation shall or may provide, as the case may be, for the record date, time, call, lapse of period of time after notice, actual or constructive notice of meetings of said members or of actual or constructive waiver of notice thereof, the authority to vote, consent, or dissent in person or by proxy representation and the duration of any proxy, the conduct of meetings, and for the authority to take action in writing by all of said members in lieu of action at a meeting.

NINTH: From time to time, and in furtherance of the purposes for which the corporation is being organized, any of the provisions of this certificate of incorporation may be amended, altered or repealed, and other provisions authorized by the laws of the State of Delaware at the time in force may be added or inserted in the manner and at the time prescribed by said laws, and all rights at any time conferred upon the members of the corporation by this certificate of incorporation are granted subject to the provisions of this Article NINTH.

Executed at New York, New York, on _____, 19__.

G. Earl Parker
Incorporator

CERTIFIED TO BE A TRUE COPY
3 September, 1973



Robert H. Mereness, Secretary

ASBESTOS INFORMATION ASSOCIATION/
NORTH AMERICA

Minutes of Board of Directors Meeting

May 10, 1973

A meeting of the Board of Directors was held pursuant to notice on May 10, 1973 at 9:30 A.M. at the Williams Club, New York, New York. The following Directors were present:

George Barge
J. L. Rainey
S. D. Weaver
A. E. Alpine (Proxy)
Martin Sendecski (Proxy)
A. R. Hooker
Paul I. Weiner, Esq.
F. J. Solon, Jr.
A. H. Fay
J. K. Whittaker
C. G. Morgan
E. C. Bratt
Kurt Schwarz
William Thurber

Atlas Asbestos Company
Amatex Corporation
Cement Asbestos Products Co.
Certain-teen Products Corp.
Congoleum Industries, Inc.
Flintkote Company
GAF Corporation
Johns-Manville Corporation
National Gypsum Company
Nicolet Industries, Inc.
North American Asbestos Corp.
H. K. Porter Company, Inc.
Supradur Manufacturing Corp.
Union Carbide Corporation

Also present were Richard Carter, Johns-Manville; Frank Zimmerman, National Gypsum Company; W. N. Johnson and Patrick Morgan, Union Carbide Corporation; M. M. Swetonic, Executive Secretary, AIA/NA; Katherine Kinsella, AIA/NA; Joseph Burns, Esq., Counsel, Burns, Van Kirk, Greene & Kafer; David Mallino, Government Research Company; Mike Isser and Cliff Forbes, Cunningham and Walsh.

Mr. Marsh, the President, presided and Miss Kinsella acted as Secretary and kept the Minutes. The Minutes of the Board of Directors meeting held on February 15, 1973 were, on motion duly made and seconded, unanimously approved as reproduced and distributed.

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FINANCIAL REPORT

Mr. Marsh explained the AIA/NA financial report for the first four months of the year. Mr. Swetonic mentioned a sizable percentage of recent office expenditures went toward supplies that would last the remainder of the year. On motion duly made and seconded, AIA/NA's Financial Report, dated May 10, 1973, was unanimously approved.

Mr. Fay was asked to head a committee to nominate a slate of officers for the AIA for next year. New officers will be elected at the annual meeting in September.

GOVERNMENT RELATIONS

a. OSHA

1. IUD-OSHA Law Suit

Mr. Burns reported on the oral argument held April 4 in Washington on the IUD-OSHA suit. A written report was also distributed to the Board. Mr. Burns stated we can expect a much quicker response from the Court if they decide in our favor than if they decide unfavorably.

2. New OSHA Advisory Committee

Mr. Swetonic stated that John O'Neill of the OSHA Standards section told he and Mr. Marsh that it is unlikely any progress will be made in the formation of the Advisory Committee until the law suit is settled.

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3. Stender Press Briefing

David Mallino attended a recent Press Briefing to introduce the new OSHA chief, John Stender, to the press.

Mr. Mallino reported:

1. As of today OSHA has not changed at all under Stender's supervision.
2. Union officials are already unhappy with Stender's policy decisions.
3. Stender does not have any occupational health experience so we won't be able to gauge his influence on OSHA for the next three or four months at least.
4. The big issue with OSHA will be the 14 carcinogens. OSHA will become immersed in this for the next six or seven months.

4. OSHA Compliance Manuals

Mr. Swetonic stated that there will be five basic manuals. He stated that he has drafts for four of the manuals and is waiting for the completion of the fifth, which deals with the medical requirements of the OSHA standards.

b. Environmental Protection Agency

1. Compliance & Interpretation: Difficulties & Questions

Mr. Swetonic stated that arrangements were being made for a meeting in Washington with EPA standard setting and compliance officials to review any questions of interpretation or compliance that the industry was having with the new EPA air pollution regulations. A discussion then took place regarding the EPA standards.

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Mr. Marsh asked everyone to contact Mr. Swetonic if they had any compliance or interpretation problems, or if they wished to send a representative to the proposed meeting.

2. EPA Control Practices Manual

Mr. Swetonic passed around a copy of a new book put out by the EPA called "Control Techniques for Asbestos Air Pollutants," showing how to comply with the standards.

3. Petitions on Spraying

Mr. Swetonic recommended that the AIA/NA petition each city and state which has a universal ban on asbestos spraying to change their standards to conform with the EPA regulations.

Mr. Mallino reported that the Environmental Defense Fund has filed a petition challenging the EPA asbestos standard. The main points of the petition are:

- a. The one percent permissible level for asbestos content in spraying materials should be eliminated.
- b. The term "friable" should be eliminated from the demolition requirements.
- c. The EPA standard relies too heavily on the OSHA standard.

c. Food and Drug Administration

1. Meeting on Asbestos Filters

Mr. Swetonic reported on a meeting held May 1 in Washington with the FDA on asbestos filters. Dr. Steve Holmes of Turner Brothers Asbestos in England attended the meeting at AIA request.

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Mr. George Vogel, President of the National Association of Filter Manufacturers, arranged the meeting. He also attended along with another representative of the NAFM.

With regard to the use of asbestos filters in food and beverage processing, the FDA has taken the position that they will only consider animal ingestion experiments in deciding whether to ban the filters or not. The animal ingestion results so far are entirely favorable. As far as the use of filters in drugs, the FDA has no intention of banning the filters now, but may require the use of after filters.

Mr. Marsh brought out that we now have very good contacts with the FDA, something we have never had before.

d. Federal Trade Commission

1. Center for Science in the Public Interest Petition on Asbestos

Mr. Swetonic reported that the AIA had been contacted by the FTC with regard to a petition filed by the Center for Science in the Public Interest recommending the labeling as hazardous of a variety of asbestos products. Mr. Mallino suggested that the AIA make a formal request using the Freedom of Information Act as a criteria to see the petition.

e. Bureau of Mines

1. Talc Symposium

Mr. Carter reported on a symposium held recently by the Bureau of Mines on the mining of talc and talc containing tremolite. Dr. Arthur Langer of Mount Sinai reported at the symposium that he is doing a study of the mortality of a small

group of talc workers in the United States. So far he has been unable to discover any greater than normal incidence of disease.

Mr. Carter stated that at the present time the Bureau of Mines has no intention of changing its definition of tremolite as an asbestosform material.

f. Workmen's Compensation Reform

Mr. Mallino discussed the implications of recent workmen's compensation reform bills introduced into congress, namely the Taft Bill, and the Williams-Javits Bill.

Mr. Mallino also stated that Dr. Selikoff and the asbestos workers are working together on a white lung bill.

PUBLIC RELATIONS AND PUBLICITY

a. Newsweek Interview

Messrs. Marsh and Swetonic reported on a dinner meeting held in Washington on April 16 with Newsweek Associate Editor, Jim Bishop. Nothing so far has appeared in Newsweek with regard to asbestos.

b. Public Awareness Study

Mr. Isser distributed and discussed the completed demographic survey showing the extent and nature of the public's awareness of asbestos as a health problem.

c. Cunningham and Walsh Activities

Mr. Isser distributed copies of the recently completed AIA/NA Information File, which was sent to nearly 3,000 representatives of the trade and consumer media. Mr. Isser also distributed C&W's Status Report showing the public relations projects undertaken to date.

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d. AIA/NA Position Booklets

Mr. Swetonic stated that the AIA/NA Position Booklets would be completed and ready for distribution in about two to three weeks.

MEDICAL AFFAIRS

a. Klenk-Borrow Study

Mr. Solon stated that Johns-Manville Corporation was contributing \$10,000 to further research into William Klenk's electromotive theory of carcinogenic activity in asbestos. The Board of Directors approved a grant of \$5,000 for this study. The Board agreed to an additional assessment to raise the funds for this grant if necessary.

b. Dr. Selikoff Activities

Mr. Solon reported on a recent speech by Dr. Selikoff at Toronto and offered to loan tape recordings of the speech to the member companies for their information.

CONCLUDING REMARKS

There being no further business to come before the Board, the meeting was, on motion duly made and seconded, adjourned.

Katherine Kinsella
Acting Secretary for the Meeting

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ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

Board of Directors Meeting
September 12, 1973

The Williams Club

New York City

Minutes

A meeting of the Board of Directors was held pursuant to notice on September 12, 1973 at 9:30 a.m. at the Williams Club, New York City, New York. The following directors were present:

George Barge	Atlas Asbestos Company
S. D. Weaver	Cement Asbestos Products Company
Martin Senddecki (Proxy)	Congoleum Industries
A. R. Hooker	The Flintkote Company
Joseph Hall	GAF Corporation
F. J. Solon, Jr.	Johns-Manville Corporation
C. A. Neuman	Kentile Floors Incorporated
George P. Vogel	National Association of Filter Mfgs.
J. K. Whittaker	Nicolet Industries, Incorporated
E. C. Bratt	H. K. Porter Co., Incorporated
J. H. Marsh	Raybestos-Manhattań
Kurt Schwarz	Supradur Manufacturing Corporation
William Thurber	Union Carbide Corporation

Also present: William Fassuliotis, GAF Corporation; John Meyers, Union Carbide Corporation; Robert H. Mereness, Executive Director, AIA/NA; Katherine Kinsella, AIA/NA; Eugene Leff, Cadwalader, Wickersham & Taft; Matthew M. Swetonic, Hill & Knowlton, Inc.; David Mallino and Theresa Seely, Government Research Company.

Mr. Marsh, the President, presided. After opening remarks by the President, attention was invited to the minutes of the Board of Directors Meeting held on May 10, 1973. On motion, the minutes were approved as submitted.

By-Laws

The President reviewed the by-laws of the Association recommending title of Executive Director for the principal paid staff member and assigning to him the positions of secretary and treasurer of the Association. Definitions of these responsibilities were offered for inclusion in the by-laws along with certain

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minor changes in the wording of the by-laws. Waiver of prior notice to the Directors for recommended changes to the by-laws was made by affirmation and the changes were adopted by unanimous vote as submitted. Copies of the revised by-laws with the changes were distributed.

Presentation by M. M. Swetonic

Mr. Swetonic presented a report on "Asbestos and Health in 1973." He noted the continuing controversy within the medical community as to the seriousness of asbestos as a hazard to health, safe levels of asbestos exposure, etc. He discussed epidemiological studies citing statistical data prepared by Dr. Irving Selikoff. Mr. Swetonic discussed the challenges to industry, stating that the industry must recognize the problems, face the possibility that "research may find things that many of us would prefer not to know" and conduct inquiry of its own "to know where we stand." A discussion followed. Mr. Swetonic stated the statistics he presented were not thoroughly scientifically reliable, but did represent best statistical averages. He said his statistics had been reviewed by Dr. Pelnar of the Institute of Occupational and Environmental Health in Montreal, an imminent authority in the field. Mr. Marsh pointed out that most studies have been oriented to the 1930-40 period when there was poor dust control; that it is difficult to find "cohorts" for reliable statistical analysis; that without a minimum of 20 years experience there is no thoroughly valid data.

Old Business

A. Federal Government Affairs

Mr. Marsh introduced Mr. David Mallino and Miss Terry Seeley of Government Research Corporation for comments on pending governmental actions.

OHSA

Miss Seeley reported that OSHA plans to renew the asbestos standard some time next year. OSHA was under no obligation to form an "outside" advisory committee. A discussion followed as to whether the Association should voice its concern in having an Advisory Committee on which it would be represented. It was agreed that a 15 person Advisory Committee would be desirable to properly include industry, the scientific community and labor. The President directed that our position should be communicated to OSHA. Miss Seeley stated that there is no

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indication that NIOSH plans to develop a new criteria document on asbestos at this time. Mr. Fassuliotis spoke of public disclosure of asbestos monitoring (Fed. Reg. Aug. 30). Mr. Marsh stated this was a matter for consideration by the Technical Committee, that AIA would respond.

Workmen's Compensation

Mr. Mallino and Miss Seeley reported the workmen's compensation issue will be on the agenda for the next session of Congress and the reform effort will focus on the Williams-Javetts (S.2008) approach which is supported by the AFL-CIO. The Williams-Javetts bill defines occupational disease to include asbestosis, talcosis, mesothelioma and lung cancer. The Frelinghuysen bill (H. R. 6906) provides federal benefits for asbestos and mesothelioma. Mr. Marsh stated that the Association must keep in mind publicity that might generate from the hearings on these bills and the enormous expense that could ultimately be borne by the industry. It was stated that it could be two years before reformed workmen's compensation measures might become law.

Reserve Mining Trial

The government's case against the Reserve Mining Company opened August 1 and will last for several months. Dr. Selikoff and members of his staff are scheduled to testify. Though contaminants in the water is the current issue, air pollution will follow in the E.P.A.'s case.

Petition to FTC

Miss Seeley reported that the Center for Science in the Public Interest presented a petition in March to the Federal Trade Commission to provide inventory of all asbestos products on the market and require labeling of all consumer products containing asbestos.

FDA

Mr. Vogel reported that the FDA has been reviewing the uses of asbestos and has been petitioned by the Environment Defense Fund to ban the use of asbestos filters. The FDA will publish the petition in the near future but will take no position. Mr. Vogel suggested that AIA be more aggressive in relationships with the FDA.

Mr. Solon stated that he was advised tremolite in talc will be banned by the FDA.

Miss Seely said there is a tendency to treat asbestos and talc as the same.

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EPA

Mr. Swetonic spoke of the Arthur D. Little study being prepared for EPA. The study is based on the effect of the proposed water effluent standards on the asbestos industry. Comments have been requested from members and will be evaluated for inclusion in the study.

Department of the Interior

Mr. Swetonic reported a tightening of health and safety standards for metal and non-metal mines is being proposed by the Department of the Interior. The Mining and Enforcement and Safety Administration published a proposed asbestos standard on August 29, 1973 which would limit asbestos dust exposure to a time weighted average airborne concentration of five fibers per milliliter. There is no information at the present time that the agency will hold public hearings on this standard.

Mr. Swetonic suggested that interested member companies send comments on the proposal to the Department of the Interior.

B. State and Local Government AffairsConnecticut Hearings

Mr. Weaver reported on the State of Connecticut Department of Environmental Protection hearings he attended on July 25 in Hartford, Connecticut. He stated that any State, with Federal approval, can promulgate its own set of environmental health standards, so long as the standards are "as effective as" those promulgated by the EPA in Washington.

AIA and State Regulations

A letter of September 7 from Mr. Richard Carter of Johns-Manville to Mr. Marsh recommending that AIA monitor state laws and regulations pertaining to asbestos was submitted. Mr. Marsh stated that AIA should consider recommendation to each state to follow Federal regulations. He asked for written comments on the means and feasibility for AIA to monitor the proceedings of states for regulations on asbestos to be forwarded to the Executive Director. He said the Carter report and member recommendations would be considered at the next Executive Committee meeting (October 18).

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C. Medical Affairs

Selikoff-Lewinsohn-Stender-AIA Letter Exchange

Mr. Marsh and Mr. Swetonic reported on a minor problem that developed with Dr. Selikoff concerning Dr. Lewinsohn's letter defending the two fiber theory which the AIA sent to the Department of Labor.

Dr. Selikoff has demanded an apology from AIA for failure to ask him for comments before transmitting the letter.

Borrow-Klenk Study

Mr. Marsh reported that AIA had sent a check for \$2,500 toward a \$5,000 grant sponsored by AIA to further research into William Klenk's electromotive theory of carcinogenic activity in asbestos. The experiments are continuing. No positive results were available to report.

New Business

A. Program for the Coming Year

Mr. Marsh stated that AIA was expanding its Executive Committee and would be holding more frequent meetings. He also advised he would seek better organization and response capability of the Technical Committee, and closer relationships with asbestos related associations, domestic and foreign.

B. OSHA Compliance Manuals

Mr. Swetonic reported that OSHA Compliance Manuals were completed in first draft and would receive a "second look" by the ad hoc committee as expeditiously as possible, preparatory to publication.

C. AIA Washington Office

Mr. Mereness reported that the AIA office in Washington (1660 L Street NW) would be fully operative by October 1, at which time the New York office would be closed.

D. President's Remarks

Mr. Marsh presented tokens of appreciation to Mr. Swetonic and Miss Kinsella for their outstanding work with the Association since its inception. He welcomed Mr. Mereness as the new Executive Director. Members were asked to provide Mr. Mereness

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with background information such as annual reports, promotional material, etc., to assist him in a broad understanding of the industry.

There being no further business, the meeting was adjourned at 12:00 noon.



R. H. Mereness
Secretary

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Asbestos Information Association/North America

22 East 40th Street
New York, N. Y. 10016
212-689-3378

COPY

May 4, 1973

TO: AIA/NA BOARD OF DIRECTORS

Gentlemen:

Please find attached the minutes of the AIA/NA Board of Directors meeting held on February 15, 1973 at the Williams Club in New York.

Sincerely,



Katherine Kinsella
Executive Assistant

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MINUTES OF BOARD OF DIRECTORS MEETING
OF
ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

February 15, 1973
Williams Club, New York City

A meeting of the Board of Directors was held pursuant to notice on February 15, 1973 at 9:30 A.M. at the Williams Club, New York, New York. The following Directors were present:

J. L. RAINEY	Amatex Corporation
W. E. GATEWOOD	Certain-Teed Products Corp.
MARTIN SENDECKI (Proxy)	Congoleum Industries, Inc.
A. R. HOOKER	The Flintkote Company
PAUL I. WEINER, Esq.	GAF Corporation
R. P. CARTER, Esq. (Proxy)	Johns-Manville Corporation
A. H. FAY	National Gypsum Company
F. WORKMAN (Proxy)	Nicolet Industries, Inc.
JOHN VITALE (Proxy)	H. K. Porter Company, Inc.
J. H. MARSH	Raybestos-Manhattan
KURT SCHWARZ	Supradur Manufacturing Corp.
W. N. JOHNSON (Proxy)	Union Carbide Corporation
WES SAUERLAND	Jim Walter Corporation

Also present were IKE WEAVER, Raybestos-Manhattan; BOB HYLAND, GAF Corporation; FRANK ZIMMERMAN, National Gypsum Company; D. W. JAQUAYS and NELSON MUNCY, Jaquays Asbestos Company; M. M. SWETONIC, Executive Secretary, AIA/NA; KATHERINE BUCHMAN, AIA/NA; DAVID MALLINO, Government Research Company; MIKE ISSER and JACK STEINBERG, Cunningham and Walsh; and JOSEPH W. BURNS, Esq. and GARY M. LACHMAN, Esq., Burns, Van Kirk, Greene & Kafer, Counsel.

Mr. Marsh, the President, presided and Mr. Lachman acted as Secretary and kept the Minutes. The Minutes of the Board of

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Directors meeting held on December 14, 1972 were, on motion duly made and seconded, unanimously approved as reproduced and distributed.

FINANCIAL REPORT

Mr. Marsh stated that he was not completely satisfied with the format of AIA/NA's Financial Report, dated December 31, 1972, copies of which were distributed to the Directors, since it indicated some arrears in membership dues. Mr. Marsh said, in the future, he will receive monthly statements of income and expenditures from AIA/NA's accountant, M. L. Rachlin and Company. These monthly reports will be reviewed and submitted to the Board of Directors on a quarterly basis. Mr. Marsh reported that, as of February 13, 1973, AIA/NA had \$86,000.00 in the bank. On motion duly made and seconded, AIA/NA's Financial Report, dated December 31, 1972, was unanimously approved.

ENVIRONMENTAL CONTROL

a. Compliance Manual

Mr. Swetonic reported the OSHA Compliance Manual will be in the form of five (5) booklets rather than one (1) large booklet. The booklets cover the following subjects: OSHA standards; individual protection; medical requirements; monitoring; and control practices. Mr. Swetonic has scheduled five (5) meetings with the individuals working on the various booklets. It is anticipated that the booklets will be ready for distribution to the individual member companies by the middle of this year.

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b. LFE Membrane Filter Study

Mr. Swetonic summarized the final report from LFE Environmental Analysis Laboratories Division entitled, "Statistical Evaluation of the Procedure for Counting Asbestos Fibers on Membrane Filters", a copy of which was distributed to each Director. He outlined the broad points of the study and, in particular, he mentioned the variances discovered in microscope quality.

Mr. Weaver mentioned the Los Alamos study, which discusses variations of up to 300%-400%. This study is going to be presented to the American Conference of Governmental Industrial Hygienists in Boston in May, 1973.

Mr. Marsh commented on the possible inaccuracy of the membrane filter method and asked Mr. Burns for his comments regarding the industry's position in light of such a development. Mr. Burns discussed the OSHA asbestos standard and the legal principles applicable if research reveals an unreliable testing method.

Mr. Marsh stressed the importance of obtaining a copy of the Los Alamos study and making sure that the Labor Department sees it.

c. Asbestos Textile Institute Meeting

Mr. Weaver reported on the last meeting of the ATI. He was a member of the Air Hygiene and Manufacturing Committee. He said that among the various topics discussed, were the types of protective clothing available to the employees of ATI's member

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companies, the rate of vacuuming in various plants, the adequacy of worker's change time after lunch and between shifts and the unreliability of the membrane filter method. Mr. Weaver said he had suggested that more meetings be held where industry representatives could exchange information.

Mr. Burns recommended that Mr. Swetonic should receive copies of all reports outlining the information received at sessions such as the ATI meeting. In addition, he suggested that it might be a good idea to have individual members send copies of any compliance or inspection report to Mr. Swetonic, as a central fact gathering point. This procedure would enable the AIA to keep informed about all of the pertinent operational problems facing the industry.

Mr. Weaver stated that NIOSH's microscope evaluation study will be made the week of March 12, 1973. Mr. Marsh said it was for this reason that AIA/NA was not conducting its own microscope variation evaluation.

PUBLICITY AND PUBLIC RELATIONS

a. The New York Times

Mr. Swetonic reported that The Times had called him and said they would publish a shortened version of his seven (7) page letter to the Editor, in response to Robert Sherrill's January 21, 1973 article in The Times Sunday Magazine. Mr. Swetonic has submitted

a 395 word letter to The Times which he expects will be published in the near future. He added that his seven (7) page letter could still be used by the individual members for purposes of customer information.

b. Saturday Review

Mr. Swetonic noted the Saturday Review article, entitled "An Asbestos Town Struggles With A Killer", almost entirely dealt with Johns-Manville's operations. For this reason, JM, not AIA/NA should issue a reply.

c. Nader Report on Asbestos

Mr. Mallino reported that one of Ralph Nader's groups was preparing a report on asbestos which will focus on research developments in the area of asbestos related diseases, the EPA emission standards and consumer products containing asbestos. He did not know in what manner this report would be released to the public.

d. Public Awareness Study

Mr. Swetonic outlined the rationale for this survey. He said that, in view of the increased rate of press interest in asbestos and health, AIA/NA must be able to gauge the public's general awareness and concern regarding asbestos. Further, AIA/NA must know if it is properly using its time.

Mr. Jack Steinberg summarized the nature and objectives of the survey and discussed the format and techniques of the survey's questionnaire.

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Mr. Marsh stated the \$7,500.00 expenditure for this survey had been approved by the Board of Directors last fall and emphasized Mr. Swetonic's strong feeling for the necessity of this survey at this time. It was the consensus of the Board that the survey should be made as soon as possible.

e. Asbestos Information File

Mr. Swetonic reported that he and C&W have nearly completed revising the five (5) position papers which are to comprise the Asbestos Information File. Mr. Swetonic said that all comments had been received regarding the revision of these papers. The final booklets will be available for use by individual member companies.

Mr. Isser discussed the important purposes and the high priority of this File. Extensive discussion ensued regarding the proposed distribution of the File.

f. Cunningham and Walsh Activities

In addition to the main items of the Asbestos Information File and the Public Awareness Study, Mr. Mike Isser described the achievements of the Speakers Bureau and how Cunningham and Walsh can help with the various programs in this area. He mentioned several specific upcoming favorable articles in the trade press. He said that a news article being developed on the Lyon Conference must await the World Health Organization's approval before it can be released.

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Mr. Marsh and Mr. Fay commented that certain types of "proprietary" news releases were seemingly not AIA/NA's function to report, but rather should be more appropriately handled on an individual company basis.

GOVERNMENT AFFAIRS

a. Washington Roundup

1. New OSHA Head and Consequences

David Mallino of the Government Research Company reported on the background of John H. Stender, the as yet unannounced nominee for Assistant Secretary of Labor for Occupational Safety and Health. Mr. Stender is a union-oriented State Senator from the State of Washington. He is the personal choice of the Secretary of Labor, Peter Brennan.

Mr. Mallino noted that Mr. Stender's experience in the area of occupational safety and health is extremely limited. It is likely that, at the outset, Mr. Stender will have staff problems in the daily operations of OSHA.

2. State Plan Program

Mr. Mallino reported that the unions had won an injunction in the United States District Court, District of Columbia Circuit which stayed OSHA's administrative attempt to extend the States' jurisdiction in the field of occupational safety and health, beyond the December 28, 1972 time deadline, mandated by Section 18h of the Occupational Safety and Health Act of 1970. Therefore,

only as State plans are approved by the Labor Department will the States have jurisdiction to enforce occupational safety and health laws.

Mr. Mallino noted that the unions are opposing, in the State legislatures, the requisite enabling legislation for individual State occupational safety and health plans.

Mr. Mallino commented that 50% of OSHA's proposed 1973 Budget is earmarked for the State programs which are being funded by the Federal government.

3. Daniels Bill

Mr. Mallino reported that Rep. Dominick V. Daniels (D-N.J.) had introduced HR 1720, a bill which repeals the Federal Metal and Non-metallic Mine Safety Act. This bill and other proposed legislation seeks to transfer the development of mine safety standards from the Bureau of Mines to the Labor Department. There also exists congressional sentiment that the Federal Metal and Non-Metallic Mine Safety Act should be toughened but not transferred from the Department of the Interior to the Department of Labor.

4. Other

Mr. Mallino reported that NIOSH's budget had been cut and that there is a good deal of feeling in Congress that the Nixon Administration's overall budget is weak in the area of social action programs.

b. EPA Emission Standards

Mr. Swetonic said recent information indicates that the EPA's final emission standards on asbestos will be released in the near future.

Mr. Mallino said the issuance of the Nader asbestos report will probably coincide with the promulgation of the EPA standards.

c. EPA Water Pollution Study

Mr. Swetonic reported that various companies had been contacted in connection with the aspect of this study which includes waste water containing asbestos fibers. He stated that the organization conducting the study, which has been contracted by the EPA, does not think there is any significant problem for the asbestos industry in this area.

d. State of California Asbestos Regulations

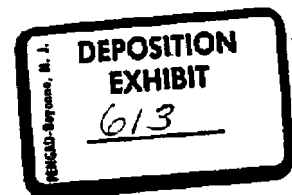
Mr. Swetonic reported that AIA/NA had submitted comments, after receiving an extension of time to do so, to the California Industrial Safety Board for its consideration in adopting a proposed asbestos standard. AIA/NA's comments were made with the understanding that the California regulations must be as effective as the OSHA standards.

LEGAL AFFAIRS

a. IUD-OSHA Law Suit

Mr. Burns gave a status report of this litigation. He said he expected to receive a copy of Petitioner's reply brief within the next few days.

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BY-LAWS
OF
ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

ARTICLE I

MEMBERSHIP AND MEETINGS OF MEMBERS

SECTION 1. The following shall be the By-Laws of ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA, a non-profit corporation organized under the General Corporation Law of the State of Delaware, and hereinafter called the "Association".

SECTION 2. Any individual, firm or corporation using or selling asbestos in the United States is eligible to be a member. Only one membership shall be granted to a parent corporation and affiliated or subsidiary companies in which the parent corporation owns or controls a majority of the voting stock.

SECTION 3. Any individual, firm or corporation eligible for membership may become a member of the Association upon approval by the Board of Directors after making application for membership in writing, submitting evidence of eligibility, and indicating a willingness to abide by these By-Laws, but no eligible applicant meeting the requirements of this section shall be denied membership.

A member may resign at any time by giving written notice of resignation, but such resignation shall not in any way affect such member's indebtedness to the Association by reason of any unpaid dues theretofore levied against such member, provided, however, that any member resigning from the Association shall not be liable for any dues levied by the Board of Directors within ten (10) days prior to the date of resignation or for any dues levied by the Board of Directors when the resigning member shall not have received notice of such levy more than fourteen (14) days prior to the date of resignation.

The membership of any member who ceases to be eligible for membership shall be automatically forfeited as of the date such member ceases to be eligible and any member who shall have failed to pay any dues within sixty (60) days after written

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notice of the levy of such dues may be expelled by a two-thirds vote of the members present at any membership meeting, provided that the notice of such meeting shall contain notice of the proposed expulsion. Any member whose membership has been forfeited because of ineligibility and any member expelled for non-payment of dues shall remain liable for any unpaid dues theretofore levied against such member.

No dues shall be levied against the members for the calendar year 1971. The Board of Directors shall have the authority to levy dues on the members for any subsequent year by action taken prior to the beginning of any such year.

Except as may be otherwise required by law, or by the Certificate of Incorporation, or by these By-Laws, any right of members to vote and any right, title, and interest of any member in or to the Association, and its properties and franchises, shall cease and divest on termination of membership.

SECTION 4. The annual meeting of the members of the Association, commencing with the year 1971, shall be held at the principal office of the Association, or at such other place within or without the State of Delaware as may be determined by the Board of Directors and as shall be designated in the notice of said meeting, on the second Wednesday in September of each year (or said day be a legal holiday, then on the next succeeding day not a legal holiday), for the purpose of electing directors, for the purpose of establishing annual dues to be paid by the members and for the transaction of such other business as may properly be brought before the meeting.

SECTION 5. Special meetings of the members shall be held at the principal office of the Association, or at such other place within or without the State of Delaware as may be designated in the notice of said meeting, upon call of the Board of Directors or of the President, at such time as may be fixed by the Board of Directors or the President or upon request in writing to the President of at least three members of the Association, as the case may be, and as shall be stated in the notice.

SECTION 6. Notice of the time and place of every meeting of members shall be in writing and signed by the Secretary or an Assistant Secretary and a copy thereof shall be served either personally or by mail, not less than ten days before the meeting, upon each member of record entitled to vote at such meeting. Such further notice shall be given as may be required by law. Except as may be otherwise expressly provided by statute, no publication of any notice of a meeting of members shall be required.

No notice of an adjourned meeting of members need be given unless it shall be expressly required by statute. All meetings of members may be held without notice and without the lapse of any period of time, if at any time before or after such action be completed such requirements be waived in writing by the person or persons entitled to said notice or entitled to participate in the action to be taken or by his attorney thereunto authorized.

SECTION 7. A majority of the members, entitled to vote at the meeting, present in person or by proxy, shall, except as otherwise provided by law or the Certificate of Incorporation, constitute a quorum at all meetings of the members; if there be no such quorum, a majority of such members so present or so represented may adjourn the meeting from time to time, without further notice.

SECTION 8. Meetings of the members shall be presided over by the President, or if he is not present, by a Vice-President, or if neither the President nor a Vice-President is present, by a Chairman to be chosen at the meeting. The Secretary of the Association, or in his absence, an Assistant Secretary, shall act as Secretary of every meeting, but if neither the Secretary nor an Assistant Secretary is present, the meeting shall choose any person present to act as secretary of the meeting.

SECTION 9. Every member entitled to vote at any meeting may so vote by proxy and shall be entitled to one vote. At all elections of directors, the voting may but need not be by ballot, and a plurality of the votes cast thereat shall elect.

Every proxy must be executed in writing by the member entitled to vote, or by his duly authorized attorney. No proxy shall be valid after the expiration of three years from the date of its execution unless the member entitled to vote executing it shall have specified therein a longer period. Every proxy shall be revocable at the pleasure of the person executing it or of his personal representatives or assigns.

ARTICLE II

DIRECTORS

SECTION 1. The property, affairs and business of the Association shall be managed by its Board of Directors consisting of one director representing each member company. Each director shall be the designated representative of a member during his or her directorship.

The members of the first Board of Directors shall be those persons elected by the incorporators of the Association. The first Board and subsequent Boards shall consist of eight directors until changed by resolution of the Board. Except as hereinafter provided, directors shall be elected at the annual meeting of the members of the Association, and each director shall be elected to serve for one year and until his or her successor shall be elected and shall qualify; provided, however, that failure to elect directors at the time designated therefor shall not work any forfeiture or dissolution of the Association. If and when the number of directors shall be so increased, the additional directors then to be elected shall be elected by a majority of the directors in office at the time of the increase, or if not so elected prior to the next annual meeting of the members of the Association, they shall be elected by said members. No member of the Association shall have more than one representative on the Board of Directors.

A majority of the Board of Directors then acting, but in no event less than one-third nor less than two of the number of directors authorized, acting at a meeting duly assembled, shall constitute a quorum for the transaction of business, but if at any meeting of the Board of Directors there shall be less than a quorum present, a majority of those present may adjourn the meeting, without further notice, from time to time until a quorum shall have been obtained.

In case one or more vacancies shall occur in the Board of Directors by reason of a death, resignation or otherwise, the remaining directors, although less than a quorum, may, by a majority vote, elect a successor or successors for the unexpired term or terms. A vacancy in the Board of Directors for the purposes of this section shall be deemed to exist whenever the directors increase their number by an amendment to these By-Laws or whenever the members of the Association shall fail to elect directors.

SECTION 2. Meetings of the Board of Directors shall be held at such place within or outside the State of Delaware as may from time to time be fixed by resolution of the Board of Directors, or as may be specified in the notice of the meeting. Regular meetings of the Board of Directors shall be held at such times as may from time to time be fixed by resolution of the Board of Directors, and special meetings may be held at any time upon the call of the President by oral, telegraphic, or written notice duly served on or sent or mailed to each director not less than two days before such meeting. A meeting of the Board of Directors may be held without notice immediately after the annual meeting of members of the Association at the same place at which

such meeting is held. Notice need not be given of regular meetings of the Board of Directors held at times fixed by resolution of the Board of Directors. Meetings may be held at any time without notice if all the directors are present, or if at any time before or after the meeting those not present waive notice of the meeting in writing.

SECTION 3. The Board of Directors may, in its discretion, by the affirmative vote of the majority of the whole Board of Directors, appoint committees, including an Executive Committee, which shall have and may exercise such powers as may be conferred or authorized by the resolutions appointing them. The Executive Committee shall be composed of the President, two Vice Presidents, the Secretary-Treasurer, and three directors designated by the President. The majority of any such committee, if the committee is composed of more than two members, may determine its action and fix the time and place of its meetings, unless the Board of Directors shall otherwise provide. The Board of Directors shall have power at any time to fill vacancies in, to change the membership of, or to discharge any such committee.

SECTION 4. At any special meeting of the members of the Association, duly called as provided in these By-Laws, any director or directors may by the affirmative vote of a majority of all of the members entitled to vote for the election of directors be removed from office, either with or without cause, and his successor or their successors may be elected at such meeting or the remaining directors may, to the extent vacancies are not filled by such election, fill any vacancy or vacancies created by such removal.

ARTICLE III

OFFICERS

SECTION 1. The members of the Association shall elect a President and a Secretary-Treasurer, and from time to time may elect one or more Vice-Presidents and such Assistant Secretaries, Assistant Treasurers and such other officers, agents and employees as they may deem proper. Any two offices may be held by the same person. These officers may, but need not, be chosen from among the directors.

SECTION 2. The term of office of all officers shall be one year and until their respective successors are elected and qualify, but any officer may be removed from office, either with or without cause, at any time by the affirmative vote of a majority

of the members of the Board of Directors then in office. A vacancy in any office arising from any cause may be filled for the unexpired portion of the term by the Board of Directors.

SECTION 3. The officers of the Association shall each have such powers and duties as generally pertain to their respective offices, as well as such powers and duties as from time to time may be conferred by the Board of Directors. The Vice-President or Vice-Presidents, the Assistant Secretary or Assistant Secretaries and the Assistant Treasurer or Assistant Treasurers shall, in the order of their respective seniorities, in the absence or disability of the President or Secretary-Treasurer, respectively, perform the duties of such officer and shall generally assist the President or Secretary-Treasurer, respectively.

SECTION 4. The Board of Directors shall appoint an Executive Director who shall serve during the pleasure of the Board. The Executive Director shall:

(a) Have general and active supervision over the business of the Association, subject, however, to the control of the Board of Directors;

(b) Serve as Secretary-Treasurer;

(c) See that all orders and resolutions of the Board of Directors or the Association are carried into effect, and report from time to time to the Board of Directors and the Association on all matters within his knowledge which, in his judgment, the interests of the Association may require to be brought to the notice of the Board or the Association;

(d) Prepare and submit to the Board of Directors plans and suggestions for work to be done or undertaken by the Association;

(e) Have full charge of the office of the Association;

(f) Keep the minutes of the meetings of the Association and the Board of Directors;

and he shall perform such other duties as may be assigned to him from time to time by the Board of Directors. He may sign and execute any instrument in the name of the Association when authorized to do so by the Board of Directors. The Board of Directors may require that the Executive Director give a bond for the faithful performance of his duties, the cost of such bond to be borne by the Association.

ARTICLE IV

INDEMNIFICATION

Every person who is or shall be or shall have been a director or officer of the Association and his personal representatives shall be indemnified by the Association to the extent legally possible, against all costs and expenses reasonably incurred by or imposed upon him in connection with or resulting from any action, suit or proceeding to which he may be made a party by reason of his being or having been a director or officer of the Association or of any subsidiary or affiliate thereof, except in relation to such matters as to which he shall finally be adjudicated in such action, suit or proceeding to have acted in bad faith and to have been liable by reason of willful misconduct in the performance of his duty as such director or officer. "Costs and expenses" shall include, but without limiting the generality thereof, attorney's fees, damages and reasonable amounts paid in settlement.

ARTICLE V

INFORMAL ACTION

Any action required or permitted to be taken at any meeting of the Board of Directors or any committee thereof may be taken without a meeting if prior to such action a written consent thereto is signed by all members of the Board or of the committee, as the case may be, and such written consent is filed with the minutes of proceedings of the Board or the committee.

ARTICLE VI

CERTIFICATES OF MEMBERSHIP

The Board of Directors may from time to time prescribe the form and contents of any certificates of membership which the Association may decide to issue.

ARTICLE VII

FISCAL YEAR

The fiscal year of the Association shall begin on the first day in January in each year and shall end on the thirty-first day of December next following, unless otherwise determined by the Board of Directors.

ARTICLE VIII

CORPORATE SEAL

The official seal of the Association shall have inscribed thereon the name of the Association and the year of its incorporation, and shall be in such form and contain such other words and/or figures as the Board of Directors shall determine. The official seal may be used by printing, engraving, lithographing, stamping or otherwise making, placing, or affixing, or causing to be printed, engraved, lithographed, stamped or otherwise made, placed or affixed, upon any paper or document, by any process whatsoever, an impression, facsimile, or other reproduction of said official seal.

ARTICLE IX

AMENDMENTS

The By-Laws of the Association may be amended, added to, rescinded or repealed at any meeting of the directors by affirmative vote of a majority of the directors, provided notice of the proposed change is given in the notice of the meeting.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the By-Laws of the aforementioned Association, a Delaware corporation, as adopted by the undersigned pursuant to the authority of the law of the State of Delaware and the certificate of incorporation thereof in effect on the date hereof.

Dated: October 1, 1973


Secretary

(SEAL)

ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

Board of Directors Meeting
December 6, 1973

National Association of Home
Builders' Building

Washington, D. C.

A meeting of the Board of Directors was held pursuant to notice on December 6, 1973 at 10:00 a.m. at the National Association of Home Builders' Housing Center, Washington, D. C..

The following Directors were present:

James Armstrong	Bendix Corporation
E. C. Bratt	H. K. Porter Company, Inc.
A. H. Fay	National Gypsum Company
W. E. Gatewood	Certain-teed Products Corp.
T. Dougherty	
A. R. Hooker	The Flintkote Company
J. H. Marsh	Raybestos-Manhattan
C. G. Morgan	North American Asbestos Corp.
J. L. Rainey	Amatex Corp.
William Thurber	Union Carbide Corp.
F. J. Solon, Jr.	Johns-Manville Corp.
Martin Sendeki (Proxy)	Congoleum Industries, Inc.
Joseph Hall	GAF Corporation
G. Parry Weiss	Garlock, Inc.
J. K. Whittaker	Nicolet Industries, Inc.

Also present: Frank Zimmerman, National Gypsum Company; Robert H. Mereness, Executive Director, AIA/NA; Carol W. Grant, AIA/NA; Jill Cummings, Cadwalader, Wickersham & Taft; Theresa Seeley, Government Research Corporation; Susan Simons, Government Research Corporation; and Matthew M. Swetonic, Hill and Knowlton, Inc..

Introductory Remarks

In opening remarks, Mr. Marsh, President, announced the formation of the Association's Technical Committee under the chairmanship of Edmund M. Fenner of Johns-Manville. He said the list of nominations from member companies would be reviewed in the next week, and a meeting of members of the Committee with OSHA officials would be held in early January. He stated that the Committee, in addition to working on provisions for Federal and State regulations as regards the

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use of asbestos, would serve as an advisory body to the president and the executive director in connection with technical matters concerning the asbestos industry.

Mr. Marsh spoke of the need for a medical spokesman for the Association. A discussion followed as to possible candidates for such a position and the availability of personnel with current recognized knowledge in the field of possible asbestos-related diseases.

The president welcomed representatives of two new member companies, Bendix and Garlock, and personnel providing legal and informational assistance to the headquarters staff.

Minutes

On motion, the Minutes of the previous meeting, September 12, were approved as submitted.

Report of the Executive Director

Mr. Mereness advised the move of the Association's office from New York to Washington was completed on October 1. He discussed the volume of office work resulting from increased activity of Federal and State governments and public interest groups regarding the asbestos-health issue. Mereness reviewed the objectives of the Association, commented on efforts to complete membership opportunities, and voiced his appreciation of the cooperation of members with the Association's staff. He spoke of close working relationships with asbestos trade associations and with the Quebec Asbestos Mining Association and the British Asbestos Information Committee. He said that actions were being taken to formally recognize these groups as affiliated members of the AIA/NA. He mentioned that a paper-back book was being considered as an Association publication which would "tell the asbestos story" and serve as an informational as well as a promotional "hand-out" for the industry.

Federal Government Affairs

Terry Seeley and Sue Simons of Government Research Corporation reported on Federal Governmental activities affecting the asbestos industry.

A. Occupational Safety and Health Administration (OSHA)

The early 1973 OSHA decision to re-open the asbestos standard and appoint an "outside" advisory committee was reversed in October when OSHA Administrator John Stender announced the procedure for

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reviewing the standard. The procedure calls for developing a new standard within OSHA, which will be submitted to "outside" consultants for review, possibly in January 1974. Subsequently, OSHA will conduct in-plant tours to determine feasibility of proposals. By July 1974, OSHA expects to be ready to prepare its new standard. It is expected that the new standard will emphasize work practices and engineering controls at the same time retaining the numerical exposure level requirements of the present standard.

B. Food and Drug Administration (FDA)

The Food and Drug Administration proposed September 28 that asbestos filters be banned in the manufacture of parenteral drugs. FDA would allow asbestos filters to be used if followed by use of a non-asbestos filter. If a manufacturer could prove that the safety or efficacy of the drug would be compromised by the use of a non-asbestos filter, he would be permitted to use an asbestos filter. The comment period on the proposed regulation runs through December 1973. To date, FDA has received no comments on the regulation. However, the Environmental Defense Fund, which, along with the Center for Science in the Public Interest, has petitioned FDA to ban asbestos filters altogether, is clearly dissatisfied with the proposed regulation and can be expected to criticize the proposal.

C. Mining Enforcement and Safety Administration (MESA)

The Mining Enforcement and Safety Administration came into being during a re-organization of the Interior Department last Spring. It assumed from the Bureau of Mines responsibility for mine health and safety. Two standards that affect the asbestos industry are currently under consideration in MESA. One proposal would change the particulate standard now used in metal and non-metallic mines to a five-fiber standard. The comment period on the proposed rule ended in mid-October. No action has been taken. A MESA advisory committee met in October and will meet again in January to consider a definition of asbestos. Final action will not come before that meeting. The second MESA proposal applies to asbestos useage in coal mines. In November 1972, it was proposed that the current particulate standard be changed to a two-fiber standard. No action has been taken on this proposal because MESA officials do not want a two-fiber standard; they would prefer that the OSHA standard be adopted for coal mines. However, NIOSH, which does research for MESA, insists on the two-fiber standard. The Bituminous Coal Operators Association has demanded a hearing on the proposal. It appears likely that the hearing will be granted and that, consequently, final action on the standard will be postponed several months.

D. Workmen's Compensation

Major legislation to reform the workmen's compensation system is pending in Congress. The major bills have been sponsored by

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Senators Williams and Javitts and by Representatives Perkins and Daniels. Separate bills sponsored by Senators Humphrey and Taft and by Rep. Frelinghuysen take a more limited approach to reform of workmen's compensation by providing Federal benefits for specific occupational respiratory diseases. Although these bills are unlikely to be enacted, they will generate publicity and thereby increase the demand for reform of the "work-comp" system. Of major importance in bills is the provision to re-define "arising out of or in the course of" to mean that work-related causes must be a contributing cause of injury or illness. Hearings on workmen's compensation, including a hearing to be held in Manville, N. J., are planned in 1974. Final actions will not occur until at least 1975. Industry position should be formulated now.

Environmental Protection

EPA's hazardous asbestos air pollution standards were set in final form in March 1973. They consist primarily of performance standards vice numerical standards, calling essentially for no visible emissions from a number of asbestos-related operations and imposing restrictions on demolition operations and asbestos content in spraying compounds. The Environmental Defense Fund has objected to these standards as being inadequate and relying on OSHA and MESA enforcement as sufficient for protecting the "environment" outside the workplace. EPA is now considering imposing additional controls on asbestos waste disposal sites and controls on additional fabrication operations where asbestos particles may be emitted into the air. EPA has taken air samples from a number of plants for evaluation by the Battelle laboratories. Results can not be expected before February 1974, therefore proposals for additional air controls on asbestos-related operations are not expected before Spring of next year.

EPA proposed a standard for water pollution controls for asbestos manufacturing plants on October 30. The standards have to do with seven asbestos product categories, but primarily asbestos-cement products, paper products, millboard, roofing and floor tile. Reaction has been unspectacular. Significant changes to the standards are not predicted. Publication date is planned for February 1974.

EPA has moved into the second phase of the asbestos water effluent program. The firm of Sverdrup and Parcel began six weeks ago to develop water pollution standards for textile products, gaskets, etc. not covered by the October 30 standards. The final development of these standards will not likely be completed until next April. It will be several months before these standards can be officially proposed.

Reserve Mining Trial

People following asbestos events knew standards were coming,

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but high levels of asbestos in Duluth drinking water discovered last Spring resulted in a landmark environmental trial built around the issue of ingested asbestos and intense public pressure on the Federal environmental agency's entire asbestos control program that could not be anticipated. About 19 weeks have been consumed by the trial. Issues remain fuzzy. The asbestos issue was a late addition to the water pollution dispute between Reserve and the Government. The first phase of the trial -- still under-way -- has been devoted to the public health issue -- that is, ingested asbestos -- and the issue of whether to close the plant immediately. From the start of the trial on August 1 until mid-September, the Government -- that is, EPA and the Justice Dept. plus assorted environmental groups -- argued their positions on the type of asbestos allegedly found in Lake Superior; its source, namely, Reserve, rather than tributary streams; and the movement of asbestos around the Lake. In late September, the Mt. Sinai scientists and others presented testimony on fiber counts in air and water, and repeated their frightening comments on the health of asbestos workers. Dr. Selikoff has not presented adequate data on tissue analyses from diseased Duluth residents. The mid-November Durham conference on ingested asbestos failed to add significant data. Without solid data, the presiding judge felt unable to support a decision to close the plant. The trial moved on to Reserve's witnesses, who have been testifying since early October. Reserve was slow in putting its medical witnesses on the stand, but several have testified, and several more will continue to refute the contention that the Duluth problem poses a significant health hazard via the water supply and that there is no x-ray evidence to show adverse health effects.

As it stands, the judge is disinclined to close the plant based on what he has heard. He plans to let the trial run through most of December and into the next phase of the case -- that is, the economic phase. This will allow determination of the economic consequence of requiring Reserve to either close down or to change its disposal operations.

While this has been happening in Minneapolis, EPA has been attempting to draft drinking water guidelines in response to a request from the Minnesota governor and the mayors of the various communities affected by Reserve's discharge. These communities don't know if they are in the midst of a health crisis or not -- they need official advice. EPA produced, in October, a recommendation that the asbestos levels in Lake Superior water supplies be reduced to levels technically achievable and more commensurate with levels found in water systems in other parts of the state. Technically, the recommendation must come from the President's Council on Environmental Quality.

It must be assumed we are one step closer to a drinking water standard on asbestos. This could have great impact on the asbestos

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industry, particularly on A/C pipe, if it can be shown to contribute asbestos fibers to the water. EPA admits that they don't have enough data to support a numerical asbestos water standard, but they are basing the Lake Superior recommendation on "prudence", and it is likely that communities outside Minnesota will become jittery about water supplies if asbestos particles are found.

Environmentalists are planning to sue EPA for not immediately treating asbestos as a toxic water pollutant which EPA can regulate, just as it regulates asbestos as an air pollutant. EPA believes it does not have enough data to support an asbestos standard, but the environmentalist's main arguments are that asbestos is a known carcinogen and that no intentional or avoidable contribution of asbestos to the water environment should be allowed. This argument could end up in court.

In sum, the asbestos industry faces five environmental policies: existing air pollution standards on asbestos; soon-to-be-finalized water pollution standards on asbestos manufacturers; a soon-to-be announced recommendation that asbestos be removed from drinking water in Minnesota; a likely asbestos drinking water standard; and a possible asbestos toxic water pollutant standard. Whether or not the industry will have to meet water standards in addition to air standards now depends on Mt. Sinai's ability to produce definitive ingested health effects evidence.

"The Image of the Industry"

Mr. Swetonic, past executive secretary of AIA/NA and presently an account executive for the public relations firm, Hill and Knowlton Inc., said that "from the press point of view, the asbestos industry, as a result of national attention to the asbestos-health issue, has news value only in the negative sense." That is, an industry in the present climate that can be criticized for alleged disregard for the welfare of its workmen and the general public. Swetonic said results of the AIA/NA Public Awareness Study show that the average man has little concern with or awareness of the health problems being associated with asbestos. He emphasized that it is unlikely that the tone and content of future national press articles on asbestos will be greatly improved by efforts of the AIA/NA but that the stories could become "even worse" if the Association does nothing to tell its story. A continuing active public relations program is necessary, he said, and the Association should plan its public relations program not only to be responsive but in creative and imaginative terms as well. Swetonic suggested a public relations program that would center within the Association "to take individual companies off the hook"; provide for wide dissemination of timely, constructive news releases and articles; carefully select responses to editors as a result of "damaging, irresponsible stories"; conduct advertising in the trade press; respond publicly to Government decisions affecting asbestos; assure appropriate representation

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and actions at Government hearings and public meetings concerned with the asbestos issue; establish a priority list of target audiences for its public relations efforts.

Luncheon Speaker

Dr. Floyd Van Atta, Senior Industrial Hygienist, Division of Health Standards, OSHA, spoke at the noon luncheon. Van Atta talked of the "newness" of OSHA and the problem of establishing standards, setting regulations, approving state programs, and carrying out compliance. He talked of the "state of the art" in monitoring methodology and the importance of reasonable workplace procedures. He urged industry assistance in the development of procedures and practices, noting that NIOSH has funds for research, not OSHA. Van Atta said ten state occupational and health programs have been approved to date. (It is believed the figure should be 20). He also said OSHA would not increase the current number of Federal compliance officers. (OSHA's '74 budget requests 64 additional compliance officers and the Labor-HEW appropriations bill approved by joint House-Senate Conference Committee provides for an increase of 245 compliance officers).

"Role of Individual Companies in Meeting the Asbestos-Health Issue"

Mr. Whittaker stated that AIA membership implies compliance with all laws and regulations pertaining to asbestos. He said that if members do not respect the intent and purpose of occupational safety and health regulations, they are doing a disservice to the Association and the industry. He suggested a program of company visits -- to see how the other fellow is meeting problems in common. He said there was information and "know-how" within the member companies that would be beneficial to the entire industry. There was no objection to his proposal which could be worked out on a company-to-company basis. He also suggested exchange of company safety and health technicians to increase methodology and techniques in compliance procedures.

Mr. Fay made a motion that data on investment, employment, and other information which might be helpful in preparing an "industry profile" be provided to the Executive Director. A questionnaire to member companies would be prepared by the Executive Director and input from individual companies received by February 15, 1974. The motion was approved and so ordered.

Mr. Armstrong urged that the Association come up with recommendations for changes to the OSHA regulations. Mr. Marsh pointed out this was one of the purposes of creating the Technical Committee. A motion was made and approved for the Technical

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Committee to obtain all data necessary to preparation of industry standards and procedures from member companies, including travel and visits, as necessary.

Financial Report

The Association's financial report was distributed. Mr. Marsh commented on extra-ordinary expenses involved in the move of the office from New York to Washington. He said the Association financial status was sound but the Association did not have current funding leverage to permit any unusual expenses over and above those provided for in the 1974 budget.

New Business

The date for the next regular meeting of the Board of Directors was set for March 7, 1974 in Washington, D. C., commencing at 10:00 a.m..

There being no further business, the meeting was adjourned at 3:05 p.m..



R. H. Mereness
Executive Secretary

December 13, 1973

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