



ASBESTOS INFORMATION ASSOCIATION

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PLAINTIFF'S EXHIBIT

CAP-1813

Board of Directors Meeting

Stouffer's National Center Hotel

Arlington, VA

March 8, 1983

Pursuant to notice, a meeting of the Board of Directors was held March 8, 1983 at Stouffer's National Center Hotel, Arlington, VA. The meeting was called to order at 2:11 PM. The following directors were present:

Solange Casiez
(for Frank Betts, Atlas Building
Materials; Dimitry Poutiatine,
Asbestos Corporation Ltd.; and
W. Aldridge, Turners Building
Products, Ltd.)

Societe nationale de l'amiante

Curtis E. Dungey
(for Jean Dupere, Lake Asbestos
(IAQ) and W. H. Beasley, CAPCO
Pipe Company)

ASARCO, Inc.

Rita Grisham
Clarence A. Herbst, Sr.
Steve Kuhn
(for John Lonnquist, Jr., Esq.)
John H. Marsh
Joseph T. Mooney, Jr.
John L. Myers
Adam Novak
Peter Reiser
John Riopelle
Kurt Schwarz
Martin Sendeki
(for John A. Bielaus)
James S. Van Pelt, Jr.
Paul Walker
Frank Wardley
R. C. Wareham
(for Gordon Coates)

Nuturn Corporation
Resinoid Engineering Corporation
Johns-Manville Corporation

Raymark Corporation
Monsey Products Company
Union Carbide Corp./AIA/NA Pres.
Huxley Development Corporation
Carey Canada, Inc.
The Bendix Corporation
Supradur Manufacturing Corporation
Congoleum Corporation

Grundy Industries, Inc.
Hollingsworth & Vose Company
Quin-T Corporation
Calaveras Asbestos, Ltd.

Also present: Joseph A. Artabane, Esq., Cadwalader, Wickersham & Taft;
David Cortright, Societe nationale de l'amiante; Nicholas J. Hluchyj,
Esq., and B. J. Pigg, AIA/NA Staff; Edward W. Warren, Esq., Kirkland
& Ellis.

CAPCO JEN 0004798

Minutes

On motion, the minutes of the previous meeting, December 15, 1982, were approved on motion.

Financial Report

The financial statement for the period ending February 28, 1983 was reviewed by the Executive Director and approved on motion.

Staff

Congressional Activity - The recently convened 98th Congress has a full agenda of environmental matters to consider with many of the basic laws up for reauthorization. The 97th Congress was not very successful in resolving issues in this area with the result that its workload carries over into the present session. Other activities of note this session should include review of a government-wide cancer policy, such as the proposal recently developed by the White House's Office of Science and Technology Policy; action on some form of toxic victim compensation legislation; and a federal revision of product liability law, a continuation of Senator Kasten's efforts to implement such legislation in the last session of Congress.

On February 10, Representative George Miller (D-Calif.), chairman of Subcommittee on Labor Standards of House Committee on Education and Labor, held a hearing on the subject of "Effect of the Bankruptcy Cases of Several Asbestos Companies on the Compensation of the Asbestos Victim." Testifying at the hearing were a panel of asbestos disease victims, among them James Vermeulen and William Wenner of the Asbestos Victims of America; Lawrence P. King, professor at New York University School of Law and bankruptcy expert; James E. Sullivan, chairman of PACOR Corp., a small distributor at one time of asbestos insulation; John Baldwin, president and CEO of Pittsburgh-Corning, speaking on behalf of the Committee for Equitable Compensation, a group of 12 companies involved in asbestos litigation who have not filed for bankruptcy; and George Kilbourne, a member of a group of plaintiff's attorneys who have organized opposition to Manville's bankruptcy filing. Representative Miller was a leading sponsor in the last session of Congress of legislation for the compensation of asbestos disease victims. He is expected to introduce similar legislation in the present 98th Congress.

Much congressional attention continues to be focused on the Environmental Protection Agency, with six subcommittees of the House and a Senate Committee pursuing a variety of allegations. With an increasing number of members of Congress calling upon her to resign, the future of EPA Administrator Anne M. Burford at the agency is uncertain.

Senator Robert W. Kasten, Jr. (R-Wis.) has reintroduced his legislative proposal for the reform and standardization of the law which governs product liability tort litigation. The measure, approved by the Senate Commerce Committee last year, has been designated S.44.

CPSC - Membership of the CPSC's Chronic Hazard Advisory Panel (CHAP) on Asbestos was approved in January. Chosen to serve on the panel were:

Janet M. Hughes, Ph.D.	Tulane University
Nancy Kim, Ph.D.	NY State Dept. of Health
Norton Nelson, Ph.D.	New York University
William J. Nicholson, Ph.D.	Mt. Sinai School of Medicine
Julian Peto, M.S.	Oxford University
M. A. Schneiderman, Ph.D.	Clement Associates
Carl Shy, M.D.	University of North Carolina

Amendments to the Consumer Product Safety Act in 1981 require that the CPSC establish a CHAP to review and report on any substance associated with chronic hazards of cancer, birth defects, or gene mutations before beginning rulemaking on consumer products incorporating the substance.

A meeting between industry representatives and congressional staffers involved or interested in the upcoming reauthorization of the Consumer Product Safety Commission took place on February 2 at the National Association of Manufacturers. The main topic of discussion was the Commission's proposal to implement section 6(b) of the Consumer Product Safety Act. This section requires the Commission to investigate the veracity of information concerning a product hazard before making that information public, if an individual company can be identified on the basis of the public disclosure.

EPA - Numerous Congressional investigations and intense scrutiny from the media have been occupying the attention of the Environmental Protection Agency, with the result that no new initiatives are being undertaken. Agency work in progress also appears to have been slowed down. Congressional attention has been focused on the Environmental Protection Agency since the end of the 97th Congress, particularly in the House, which has cited EPA Administrator Burford for contempt. The contempt citation stems from the Agency's refusal, by order of the President, to turn over to House Committees documents considered to be sensitive in enforcement proceedings. The U.S. Attorney in Washington has so far not prosecuted the case, and the Justice Department filed a civil suit in the U.S. District Court, challenging the contempt citation on the basis of executive privilege. Judge John Lewis Smith dismissed the suit, recommending that the legislative and executive branches of government work out a compromise to settle the issue.

In a related development, Rite Lavelle, the Agency's hazardous wastes program director, was dismissed from her position.

Staff work continues on a proposed revision to the National Emissions Standards for Hazardous Air Pollutants (Asbestos). Major milestones project that a proposal will be published in October 1984 with a final rule scheduled for August 1985. It is understood that the most significant changes under consideration pertain to regulations affecting asbestos waste.

OSHA - A draft preliminary quantitative risk assessment dated July and August 1981 and prepared by Occupational Safety and Health Administration Staff has been made public. Closely guarded by OSHA since it was authored, the study was finally released when it was filed as a part of the record in the ethylene oxide proceeding in the U.S. District Court in Washington, D.C. On March 4, the document was also made a part of the OSHA asbestos docket #H-033C, which was established pursuant to the October 1975 proposed asbestos rulemaking. The risk assessment attempts to predict the health effects which may be associated with present-day low level workplace exposures on the basis of five epidemiologic studies of workers exposed to the higher levels of the past. The range of lifetime risk of excess lung cancer per 1,000 workers is very wide, with a high of 467 at 2 f/cc and a low of 0.2 at 0.1 f/cc, depending on what study is used in the calculations. The introduction of the study explains that extrapolations are necessary because "relatively little is known about the magnitude of the risk of asbestos - induced cancer at low exposure levels." It continues, "this is primarily because no adequate epidemiologic data is available on the mortality pattern of workers exposed at or below the current permissible exposure limit (2 f/cc) and followed for a sufficient period to identify the long latent effects."

In the Federal Register of February 15, the Department of Labor set forth a list of existing rules scheduled for review during the succeeding twelve months as required by the Regulatory Flexibility Act. Among the rules scheduled for review is the Occupational Safety and Health Administration's asbestos standard.

NRC/NAS - On March 1, the National Research Council (NRC) of the National Academy of Sciences (NAS) issued a report entitled, Risk Assessment in the Federal Government: Managing the Process. Authorized by law in the 96th Congress and funded by a Food and Drug Administration contract, the report examines the issues of the reliability and objectivity of scientific assessment that forms the basis for federal regulatory policies applicable to carcinogens and other public health hazards. The product of a 14-member panel assembled by the NAS, the Committee on the Institutional Means for Assessment of Risks to Public Health, the report concludes that the basic problem in risk assessment is the incompleteness of data, rather than the organizational arrangements for performance of the assessments. Among the proposals recommended by the report is the establishment of a Board on Risk Assessment Methods under NAS auspices to review and update guidelines for the conduct of risk assessments.

State Activity - New York State has adopted section 22.8 to the State Sanitary Code. It requires employers of 100 or more employees to report annually to the state a list of those employees exposed, for at least 25 days out of the year, to any one of a number of substances, among them asbestos. The purpose of the rule is to facilitate epidemiological studies.

Regulations under California's Hazardous Substances Identification and Training Act became effective on February 21. They would apply to any substance included in a list compiled by the state's Director of Industrial Relations. Asbestos is one of the substances listed.

Sellers of listed substances are required to provide purchasers with a material safety data sheet (MSDS). In addition, employers of employees working with a listed substance must provide those employees with training in proper work practices.

Canada - Responding to a request for public comments by the Ontario Ministry of Labour, AIA/NA submitted comments in February on the Ministry's revised proposal for an asbestos standard applicable to the construction industry. The revised proposal was issued at a public meeting on January 17. It represents the Ministry's reworking of its original August 1982 proposal in response to comments filed on that proposal. AIA/NA's comments on the revised proposal basically made two recommendations, first, that the notification and equivalency provisions of the proposal be combined with an election provision to enable the contractor to use additional control practices to those specified in the regulation, and second, that manufacturers be permitted to certify products and work practices that would minimize asbestos exposures at the work site.

Resolutions Adopted

Applications for regular membership in the Association from Grundy Industries, Inc., Joliet, Illinois, and Henry Company, Huntington Park, California, were unanimously approved on motion.

Miscellaneous

Other reports and discussions in accordance with agenda.

Other Business

The next meeting of the Board of Directors will be held on June 7, 1983 at Stouffer's National Center Hotel in Arlington, VA.

Adjournment

There being no further business, the meeting was adjourned at 4:10 PM.



B. J. Pigg
Executive Director

BJP/ds

March 24, 1983