

70-635



CHEMICAL MANUFACTURERS ASSOCIATION

June 3, 1980

JSHall
Copy to Virginia
Moore
John Harrison

Chemicals Research

JUN 05 1980

To : Addressees

Re : Meeting of Counsel to CMA Members of CMA Vinyl Chloride Special Projects Panel, June 19, 1980, to Discuss Paul Waldrop v. Vistron Corporation, No. 224,985 (D.C. La., East Baton Rouge, filed June 5, 1979)

The purpose of this letter is to invite you, or counsel designated by you to represent your company, to a meeting to discuss funding and other matters related to CMA's defense in the above litigation on June 19, 1980, beginning at 9:00 a.m. at the Washington Hilton, 1919 Connecticut Avenue, N.W., Washington, D.C. in the Military Room. Your company is being invited in its capacity as a current or past member of the CMA Vinyl Chloride Special Project Panel.

As you know, the operations of CMA's Special Project Panels are funded and conducted not by CMA but solely by the company members of the panels. In view of the nature of the complaint in the above litigation it appears reasonable to assume that the costs of CMA's defense would be borne by the members of the CMA Vinyl Chloride Special Projects Panel. Accordingly, we are convening this meeting to discuss an appropriate funding arrangement and litigation strategy in CMA's defense of this complaint.

For your information, the plaintiff, a former employee of Uniroyal, Inc., suffers from cancer of the colon allegedly incurred as a result of workplace exposures to acrylonitrile. Named as corporate defendants are Uniroyal, Inc., Vistron Corporation, American Cyanamid Company, E. I. duPont de Nemours and Company, Monsanto Company, Standard Oil Company (Ohio), and Continental Insurance Company. In addition to naming various individuals of the corporate defendants, the plaintiff, by means of a fifth amendment of his complaint (copy attached), has also named CMA as a defendant, charging that:

VVC 000003039

Formerly Manufacturing Chemists Association—Serving the Chemical Industry Since 1872.

VEU-386331

1. CMA, at the direction of its members, undertook responsibility for conducting tests of the toxicity and carcinogenicity of its members' chemicals.
2. In the latter part of the 1960's, CMA obtained information that vinyl chloride (VC), which is similar in composition to acrylonitrile (AN) was a carcinogen.
3. CMA and its members "suppressed such information, did not release it for public dissemination or report it to appropriate government officials and engaged in a cover-up of the carcinogenic effects of vinyl chloride."
4. Had the Association and its members not engaged in this cover-up then information concerning the carcinogenic effects of acrylonitrile would have been discovered earlier because of the similarities between the two chemicals.
5. Early dissemination of information about VC would have resulted in the imposition of stricter controls and standards for workers exposed to the chemicals and the issuance of warnings to workers.
6. Plaintiff's cancer would have been prevented, lessened, etc.

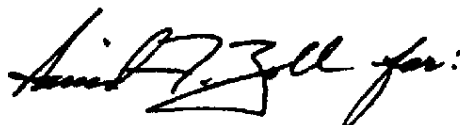
CMA has retained the firm of Liskow & Lewis of New Orleans to assist in our defense. At this time, the status of our insurance coverage for the alleged acts is still under review by our insurance carriers. In view of the fact that (on the basis of a second extension of time) we must file responsive pleadings in the above matter by July 2, 1980 it is important for counsel for members of the Vinyl Chloride Special Project Panel to meet at the earliest possible time.

VVC 000003040

VEV-386332

For any questions you may have please contact
David Zoll, CMA's Assistant General Counsel for Antitrust
& Regulatory Litigation, at 202/328-4276.

Thank you.

A handwritten signature in black ink, appearing to read "Edmund B. Frost".

Edmund B. Frost
Vice President and
General Counsel

Enclosure

cc: J. Berry St. John, Esq. (without enclosure)
Member representatives of the
CMA Vinyl Chloride Special
Projects Panel
Member representatives of the
CMA Acrylonitrile Special
Projects Panel
Dr. Geraldine V. Cox, CMA
Vice President - Technical
Dr. Hasmukh C. Shah, Director,
CMA Special Projects

VVC 000003041

VEV-386333