Occupational Safety and Health Administration (OSHA) standards in place at the time in 1976 regarding permissible concentrations of asbestos fibers are not low enough to prevent potential health hazards in the workplace. In fact, the bulletin states OSHA believed in 1976 that anyone working in the vicinity of asbestos dust is in danger of developing disease. The bulletin further points to the fact the OSHA standards in place at the time were originally intended to reduce the number of asbestosis cases; but OSHA had subsequently learned asbestos can cause lung cancer at levels much below those that can cause asbestosis. OSHA, therefore, was considering more stringent measures to protect workers such as those workers engaged in the maintenance and repair of automobile brake linings.

Plaintiff can show through clear and convincing evidence that Abex knew of the unreasonably dangerous defect of their asbestos-containing brake linings. It also shows Abex had actual knowledge in 1976 of a danger to individuals, such as the Plaintiff, engaged in the maintenance or repair of automobile brake linings. Likewise, the document shows clear and convincing evidence that Abex knew or had reason to know in 1976 that when an individual like the Plaintiff was maintaining or repairing Abex's asbestos-containing brake linings that there was a high degree of probability that such activity would result in cancer in persons such as the Plaintiff.

Plaintiff must further show clear and convincing evidence that Abex showed a complete indifference to or conscious disregard for the safety of others. Plaintiff is able to show through a May 27, 1980, internal Abex memorandum, Plaintiff's Exhibit 118, clear and convincing evidence of Abex's complete indifference to and conscious disregard to the safety of others. This memorandum on Abex letterhead from B. Iwarsson to Steve Conway on the subject, "Non-Asbestos Materials" states in pertinent part, "(F)irst, it should be realized that the technology to