



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

PLAINTIFF'S EXHIBIT

CAP-1344

December 21, 1983

Memorandum For: MEMBERS

Subject: Forwarding of Board of Directors Meeting
Minutes for December 14, 1983

Please find enclosed the minutes of the Board of Directors meeting held December 14, 1983.

The next regular meeting of directors is scheduled for Wednesday, March 14, 1984 at Stouffer's National Center Hotel, 2399 Jefferson Davis Highway, Arlington, VA. The details concerning this meeting will be forwarded to members in due course.

The AIA/NA staff (Bob, Nick, Debbie & Freddie) send best wishes for a happy holiday season and prosperous new year. It has been our pleasure to serve you.

A handwritten signature in dark ink, appearing to read 'B. J. Pigg'.
B. J. Pigg
Executive Director

Enclosure

CAPCO JEN 0012170



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Board of Directors Meeting

Old Town Holiday Inn

December 14, 1983

Alexandria, VA

Pursuant to notice, a meeting of the Board of Directors was held December 14, 1983 at the Old Town Holiday Inn, Alexandria, VA. The meeting was called to order at 8:10 AM. The following directors were present:

W. H. Beasley	Capco Pipe Company, Inc.
Newlin Buckson	Gardner Asphalt
Solange Casiez	
(for Frank Betts)	Atlas Building Materials
Gordon Coats	Calaveras Asbestos, Ltd.
Thomas A. Dougherty	CertainTeed Corporation
David Elgee	
(for John W. Oughtred)	Brinco Mining Ltd.
John J. Francis	Pure Asphalt Company
Rita M. Grisham	Nuturn Corporation
O. Nelson Hollis	Dow Chemical, U.S.A.
Yvonne Lumsden	
(for Jean Dupere)	ASARCO, Inc.
Frank Marchant	
(for John K. Bogart)	J-M A/C Pipe Co.
Joseph T. Mooney, Jr.	Monsey Products Company
John L. Myers/AIA/NA President	Union Carbide Corporation
Peter Reiser	Carey Canada, Inc.
John Riopelle	The Bendix Corporation
Kurt Schwarz	Supradur Manufacturing Corporation
Frank Shell	Drilling Specialties Company
James Van Pelt	Grundy Industries, Inc.
Gerald vonDohlen	International Building Products, Inc.
Paul Walker	Hollingsworth & Vose Company
Frank W. Wardley	Quin-T Corporation

Also present: Joseph A. Artabane, Esq., Cadwalader, Wickersham & Taft; David Cortright, Manufacturer's Representative/SNA; Nicholas J. Hluchy, Esq., and B. J. Pigg, AIA/NA Staff; Aleksander Ignatow, Energy, Mines & Resources, Canada; Gary Nash, Metals & Minerals Group, Canada; Gene Prescott, International Building Products, Inc.; Arthur F. Sampson, Esq., and Edward W. Warren, Esq., Kirkland & Ellis; R. C. Wareham, Calaveras Asbestos, Ltd.; and Gerard Hughes, J-M Asbestos Sales, Inc.

Minutes

On motion, the minutes of the preceding meeting, September 21, 1983, were approved on motion.

Financial Report

The financial statement for the period ending November 30, 1983 was reviewed by the Executive Director and approved on motion.

Staff Report

Congressional Activity - On November 18, Congressman James Oberstar (D-Minn.) introduced a bill, H.R.4546, which would require all federal agencies supporting construction programs to cease purchasing, or providing funds for purchasing, friable asbestos products unless there are no adequate substitutes. While the term "friable" generally connotes a powdery form - for example, as defined by the U.S. Environmental Protection Agency: "material... that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure" - the definition given in the Congressional Record discussion of H.R.4546 would apply to all asbestos-containing products. In the Congressional Record of November 18, friable products are defined as those in which the asbestos fibers are released from the product into the atmosphere or waters as a result of cutting, grinding, abrasive, or corrosive action. The text of H.R.4546 itself, however, does not contain a definition of "friable". In making an inquiry with staff of the House Public Works and Transportation Committee concerning this proposed legislation, it was learned that Congressman Oberstar's interest in asbestos issues dates back to the Reserve Mining trial in Minnesota. With reference to the definition of "friable", it was stated that this was an issue which could be brought out during a hearing on the bill, but that no hearing or other action was planned.

EPA - One of the guest speakers at the December 1 Annual Meeting of the American Industrial Health Council was Josephine Cooper, Assistant Administrator for External Affairs of the Environmental Protection Agency. Following her presentation, Cooper was questioned as to the Agency's position on a bill dealing with risk assessment, H.R.4192, currently before Congress. Title I of H.R.4192 was originally introduced as a separate bill by Congressman Don Ritter (R-Penn.). It seeks to develop a coordinated and systematic approach to the conduct and use of risk assessment by the federal government through demonstration projects to be coordinated by an agency or agencies designated by the President. Title II of H.R.4192 was originally introduced as separate legislation by Congressman James Martin (R-N.C.). Title II would create a Central Board of Scientific Risk Analysis within the National Research Council of the National Academy of Sciences. According to Cooper, the EPA would support Title I, but not Title II, of H.R.4192. Such a position may reflect the agency's reluctance to concede a measure of accountability to an external entity for its risk assessment procedures, as would be required by Title II of the bill.

OSHA - The following events have taken place with regard to the Association's court challenge of the Occupational Safety and Health Administration's (OSHA) emergency temporary standard (ETS) on asbestos. On November 16, a request was filed with OSHA for an administrative stay of the ETS. On November 17, OSHA denied the request and the same day a motion requesting a stay pending judicial review was filed in the U.S. Court of Appeals for the Fifth Circuit, where the case is being heard. A brief in opposition to this motion was filed by OSHA

on November 22. On November 23, the court granted AIA/NA's motion for a temporary stay pending judicial review. A schedule for the proceedings was also established by the court, with supplementary briefs due by January 3 and a hearing set for January 12. On November 28, OSHA filed a motion requesting that the hearing date be advanced to December 16. On December 1, the court denied OSHA's motion and, "in addition, stated the both parties should address the following issues during the hearing: 1) What new evidence indicates the existence of an "emergency?" and 2) Compare this case with others in which OSHA has used, or declined to use, the ETS procedure in the past. Although the asbestos ETS has been stayed, OSHA is still required by statute to develop a permanent asbestos standard within 6 months.

On December 6, OSHA's Construction Advisory Committee held a meeting at which a proposed revision to the permanent asbestos standard was to have been presented and discussed. However, Gary Strobel, Special Assistant to OSHA chief Thorne Auchter, appeared before the Committee and announced that the development of the revision had been delayed.

Because the Construction Advisory Committee must meet again and review OSHA's proposal, it is not likely that a revision will be published for another month or so.

OSHA's long-anticipated Hazard Communication rule was published in the Federal Register of November 25, 1983. The rule requires chemical manufacturers and importers to evaluate chemicals which they produce or import to determine if they are hazardous. A written record of the procedure used to make the hazard determination must be prepared, as well as a material safety data sheet (MSDS) which manufacturers, importers, and distributors must pass along to their downstream users. Employers in manufacturing facilities where the hazardous chemicals are used must write up and implement a training and education program for employees exposed to the chemicals. Manufacturers and importers must complete their evaluation procedures by November 25, 1985; employers are required to be in compliance 1 year later. In the preamble to this regulation, OSHA declares that state "right-to-know" laws are preempted in favor of a uniform federal standard. However, a number of labor groups have sued OSHA over this regulation, focusing, in particular, upon the preemption issue.

Miscellaneous - The Environmental Committee of the U.S. Business Industry Advisory Committee (BIAC), a group which serves as the voice of industry in the deliberations of the international Organization for Economic Cooperation and Development (OECD), held a meeting in Washington, D.C., on December 2. One of the speakers addressing the group was William Landfair of the U.S. State Department. Landfair reported that the derestriction of a report on asbestos, scheduled to be discussed at an OECD meeting in December, had been dropped from the agenda.

Resolutions Adopted

1. Applications for regular membership in the Association from American Biltrite, Bell Asbestos Mines (SNA Quebec), Distex (SNA Quebec), Gardner Asphalt, Lupel (SNA Quebec), and Filag (SNA Quebec), and for associate membership from Prudential Supply, were unanimously approved on motion.

2. A recommendation by John L. Myers, AIA/NA President, to appoint Daniel Perlstein, SNA, to the Association's Executive Committee was unanimously approved by the Board of Directors. Mr. Perlstein is the company representative for Asbestos Corporation, Ltd.

Miscellaneous

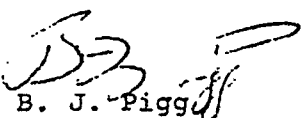
Other reports and discussions in accordance with agenda. His Excellency Allan E. Gotlieb, Canadian Ambassador to the United States, was the dinner speaker on December 13, 1983. A copy of his remarks is enclosed.

Other Business

The next meeting of the Board of Directors will be held on March 14, 1984 at Stouffers National Center Hotel, Arlington, VA.

Adjournment

There be no further business, the meeting was adjourned at 11:28 AM.


B. J. Pigg
Executive Director

Enclosure

December 20, 1983