

PLAINTIFF'S EXHIBIT

AB-298

MINUTES OF THE MEETING

of the

HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Thursday, October 25, 1979 at 9:30 A.M.

Institute Office, E-210 Route 4, Paramus, N.J.

MEMBERS PRESENT

J. W. Armstrong, Chairman	Bendix Corporation
G. Nicholson	Abex Corporation
D. E. Stone	Bendix Corporation
H. E. Wagner	Carlisle Corporation
I. H. Weaver	Raybestos-Manhattan, Inc.
R. Dean	Thiokol Corporation

MEMBERS ABSENT

D. Lee	Nuturn Corporation
G. J. Bohrer	E. K. Porter Company

OTHERS PRESENT

J. Z. Jackson, Attorney	Robert P. Gorman
E. W. Drislane, Secretary	Friction Materials Standards Institute

The meeting was called to order by Mr. Armstrong, Chairman, at 9:30 A.M.

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held August 3, 1978 had been distributed. These minutes were reviewed and a motion for their acceptance was made.

Upon motion duly made, seconded and unanimously passed, it was:

RESOLVED: To accept the minutes of the August 3, 1978 meeting as written.

P-FMSI- 0010

MEMBERSHIP OF COMMITTEE

In an attempt to enlarge the Committee and provide different viewpoints and expertise, the Committee was expanded. Invitations were extended to Nuturn Corporation, E. K. Porter Company and the Thiokol Corporation for assistance on this Committee. All three members volunteered to serve this Committee: Mr. Don Lee from Nuturn Corporation, Mr. George Bohrer from E. K. Porter Company, and Mr. Rich Dean from Thiokol Corporation were added to the

Committee.

Immediately prior to the meeting, Mr. Lee and Mr. Bohrer phoned to indicate that they could not attend the October 25 meeting as last minute internal corporate meetings had preempted their time. Both indicated that they intend to serve this Committee, but would be unable to attend this particular meeting.

The full committee roster is indicated on page one of the minutes. It was suggested that other Institute members might wish to add members to this Committee. One member stated that all friction materials manufacturers should participate in this Committee work. The Secretary stated that too large a Committee might be unwieldy and that participation might best come from individuals specifically qualified to serve the Committee.

PURPOSE, SCOPE AND NAME OF COMMITTEE

When the Asbestos Study Committee was formed in 1971, the Institute was concerned with effects from the Williams-Steiger Act, which was officially called the "Occupational Safety and Health Act of 1970." One of the first substances to be regulated under the Act was asbestos. In 1970-71, there was also activity on the State level from the Illinois Pollution Control Board. The likelihood of asbestos regulations from Federal and State Authorities triggered the forming of a Committee to review what was taking place and to give input to regulatory authorities. This, of course, expanded to the Environmental Protection Agency and others as the regulatory authorities targeted asbestos as a major carcinogen. Institute concern was mainly in the asbestos area, because asbestos was a main ingredient in friction materials and was receiving the most attention in Washington and elsewhere.

The recent initiative by the Board of Directors in re-casting and expanding the Committee was to reorient it to the regulatory atmosphere in Washington. It was felt that in certain areas, the Asbestos Information Association did not represent friction materials manufacturers because AIA and FMSI interests might not be common. One of the purposes of the expanded Committee was to maintain better liaison with Washington. One purpose was to talk with those in the Department of Labor and in Toxic Substances Control.

Among the interests of the expanded Committee could be materials other than asbestos. These could be, for example, lead, silica, fiberglass, and solvents used in processing. The Committee would not be involved with the safety of products which would ordinarily be the function of the Brake Performance Study Committee. In other words, brake performance and friction properties would not be the concern of this Committee. The main thrust would be health in the work place and in the environment. This would include disposal of the final product.

There is no written charter for this Committee. The functions of the Committee would be those recommended by the Committee members and

October 25, 1979

approved by the Board of Directors. Members questioned what the function and purpose of the Committee should be. One suggested that it was for hazardous substances control and perhaps the Committee should be called the Hazardous Substances Committee. A Committee member pointed out that lead and silica have problems, perhaps not on the same scale with asbestos, but they are of concern in the work place. A member suggested that perhaps this should be called the Toxic Substances Committee. While the original thrust of activities in the asbestos area was in the factory, this has been expanded now to the environment. Local communities are involved as well as Federal regulatory authorities. It was stated that the Committee should be taking a positive position and would be concerned with health, not only in the work place, but in the environment. Suggestion was made that the Committee be renamed the Health and Environmental Affairs Committee.

Upon motion duly made, seconded and unanimously passed, it was:

RESOLVED: That the Committee be renamed the Health and Environmental Affairs Committee.

The Chairman suggested that a task force or individual on the Committee draft suggested wording for the duties and responsibilities of the Committee. Mr. Nicholson volunteered to draft the writeup on duties and responsibilities. It was suggested that with such a writeup, it would help determine backgrounds most helpful for those who would serve the Committee.

ON-GOING RESPONSE TO ENVIRONMENTAL PROTECTION AGENCY'S OFFICE OF
TOXIC SUBSTANCES CONTROL

At the June 1979 Board of Directors Meeting, the Directors asked that the Committee suggest to the Board how they might best respond to recent initiatives by the Office of Toxic Substances Control concerning asbestos-containing friction materials. In particular, this concerned a possible voluntary guidance document by EPA concerning asbestos-containing friction materials. This would also apply to any regulatory approach that EPA might take. EPA had earlier indicated that they had the power to subpoena records, ban uses of hazardous products on a selective basis, and other powers that could, in effect, prohibit the use of asbestos in friction materials. Directors indicated that the Institute should consider the best way of working with EPA in the interest of reasonable actions and regulations.

Concurrent with the Board's concern with the EPA initiatives in the asbestos friction materials area, the Asbestos Information Association formed an ad hoc committee of friction materials manufacturers. This ad hoc committee was to address, specifically, the Office of Toxic Substances Control initiatives in the friction materials area. Membership on AIA's ad hoc committee included Raybestos-Manhattan,

October 25, 1979

Benson Corporation, Carlisle Corporation and the Abex Corporation. This involves some members who serve the Institute's Committee. Mr. Weaver sits on both the ad hoc committee and this committee. Mr. Nicholson also has attended ad hoc committee meetings and is a member of this Committee. Mr. Drislane, the Secretary, has been invited to sit in on AIA ad hoc Committee Meetings. The Institute has already coordinated activities as regards labeling and training questionnaires with the ad hoc Committee, in response to a request from Mr. Richard Guimond of the EPA's Office of Toxic Substances Control. The EPA is seeking information concerning labeling and training practices with the aim of perhaps a voluntary guidance document for friction materials users. It was suggested that the Institute should cooperate with, rather than duplicate the work of the ad hoc committee. This has been done to this point. It is not felt the Institute's committee should duplicate the efforts of the ad hoc Committee since the same members are participating on both committees. However, the Institute would reserve the right to object to possible actions of the ad hoc Committee and to take its own position if it felt it appropriate. Also, should the Institute membership feel that it is necessary, this Committee would reserve the right to reply on its own to initiatives of the Office of Toxic Substances Control. The Committee members recommend that the Institute continue cooperating with the AIA's ad hoc Committee in making this ongoing response to the Environmental Protection Agency. Where it felt additional response or other responses were called for it would take that action.

It was pointed out that in staffing the Office of Toxic Substances Control some of these working on the guidance document and regulations that may follow were new to the asbestos and friction materials area. A member questioned whether there is anything that the Institute could do to help educate EPA personnel concerning friction materials and their use of asbestos. It was stated that some regulatory people approach asbestos with almost a paranoid attitude. Some apparently will not even touch an asbestos-containing brake lining. Perhaps they need to be shown the difference between raw asbestos in its fibrous natural makeup and pieces of brake linings and clutch facings which contain locked in asbestos. Also, they might be able to see the differences with brakewear debris if they could be shown some.

A member referred to the Enterline Report which was given at the September 1979 meeting of AIA, where an attempt was made to study more fully the effects of smoking and asbestos exposure. In the past, it had been indicated that there had been no more frequency of lung cancer among asbestos workers who did not smoke than in the general population. Some of the Enterline data at the September meeting indicated that there had been some excess indication of lung cancer with asbestos workers who did not smoke.

It was suggested that a plant tour might be appropriate for members of the Environmental Protection Agency to see the controls that had been put in place in the workplace. Perhaps, corporate films or slide

October 25, 1979

programs that members have used for training employees and users might be worthwhile. One member commented that brake linings use chrysotile and asbestos only, which has not been tied to mesothelial tumors as has crocidolite.

It was stated that the information which might be most helpful to EPA would be health history and epidemiology studies that have been made on plant workers in the friction materials industry. One member indicated that its health records on employees with 20 to 30 years of exposure had shown no increase in asbestos-related diseases over what would be expected in the general population. This type of information might be helpful in educating EPA personnel concerning the actual health hazards with asbestos. A member stated that in earlier years most lung cancer was in occupational environments using woven asbestos fibers. Just about all automotive friction materials are now molded. There are some clutch facings with woven fibers.

It was stated that in Dr. Nicholson's work at Mount Sinai, he was using Raybestos-Manhattan data on fiber counts in brake repair shops. This information is referred to in the copy of Dr. Nicholson's draft report in January 1979.

A member noted that in another study some incidence of laryngeal cancer was noted. That study was not conclusive as regards heavier incidence of lung cancer among those exposed to asbestos.

On a longer term basis, the question is could the Institute's Committee gather such data from member companies? Will member companies provide information on health studies of their workers? Should such information be gathered by the Institute, and if so, would the members of the Institute cooperate with such a study? A question was asked if the Institute were to gather this information, could the government subpoena this data. Counsel indicated that, according to the Toxic Substances Control Act, they could subpoena all information of this type, where-ever gathered. The Secretary was asked to advise the Board of Directors of the Committee's interest in this type of information and ask the Board if they consider gathering this type of information to be practical and/or desirable. If workers in the friction materials factories have not shown disabling effects from asbestos in the workplace, it could assist the Institute and the industry in refuting some of the allegations concerning asbestos exposure in other environments such as in the brake repair facility. Is there any risk to the companies involved or the Institute in gathering such information? If the suspected benefits will exceed the risk of gathering this type of data, perhaps the Institute should explore it. The Secretary will ask the Board of Directors for their comments and guidance as regards gathering this type of health information.

Subsequent to the call of the Chairman for a meeting, the Environmental Protection Agency published an advanced Notice of Proposed Rulemaking in the Federal Register on October 17, 1979. This Advanced Notice of Proposed Rulemaking was published for the purpose of gathering back-

ground information concerning the commercial and industrial use of asbestos fibers and products containing asbestos. While the Consumer Product Safety Commission was part of the notice, the main impact on friction materials manufacturers would be from the EPA Office of Toxic Substances. In this notice the EPA asked for information on definitions of asbestos; the extent of exposure to those in the workplace and others in the environment, the necessity for using asbestos in certain commercial products, trends in the marketplace for asbestos containing products, information on substitutes for asbestos, and other such questions concerning background information on exposures and health effects from asbestos exposure. This notice had been sent out by the Institute on the Friday before the meeting. Some members had not seen the notice and others had not had time to study it in depth. It was stated that some of the questions on population exposed and types of exposure could be answered by using the draft of a letter that the Institute office had prepared concerning shortcomings in the IIT Research Institute report which was a background document for those at EPA's Office of Toxic Substances. The IIT Research Institute Report had been refuted prior to this by certain industry groups, including the AIA and it was felt that the Institute's critique could be in the form of an answer to the EPA's request in the Federal Register for information on exposure of brake service personnel and the routes, duration and frequency of these exposures. It was suggested that the response could be condensed and the emphasis on criticism of the IIT Report be deemphasized. The comments would focus on an answer to some of the questions in the Federal Register notice. The Secretary was directed to revise this proposed letter and send copies of it to the committee members. The committee members will be asked to approve or comment on the draft and return comments to the Institute office by November 15, 1979. If there are any difficulties with the comments by the members, the Secretary will work out the final wording of this letter with the Chairman of the committee.

Based on earlier recommendations to work with the AIA's ad hoc committee, this committee will consider plans by the AIA for response and member suggestions for comments on the other questions asked in the Federal Register notice.

FEDERAL ASBESTOS HEALTH HAZARDS COMPENSATION ACT

In May of 1979 the Institute received a copy of a draft for a Federal Asbestos Health Hazards Compensation Act. This draft was prepared by an industry group and had been patterned after the Fenwick Bill considered in an earlier Congress, but it was never even considered by the current Congress. The essential content of the suggested Federal Asbestos Health Hazards Compensation Act was that a fund be set up with assessments on asbestos products manufacturers, the tobacco industry, and the Federal Government. This fund would be used for compensation awards to those who could prove disability from asbestos exposure, or

October 25, 1979

to their dependents. This suggested draft legislation included friction materials manufacturers. In other words, "friction materials, automotive" was included with insulating and acoustical spray materials, asbestos textiles, asbestos cement sheets, etc. As originally worded, if a certain friction materials manufacturer used 10,000 tons of asbestos in its products in 1965 (15 years before the 1980 target date for the act), he would be assessed \$3,250,000 in 1980. Perhaps some of the reaction by friction material manufacturers to this industry draft filtered back because subsequent to this, the Secretary was advised that "friction materials, automotive" manufacturers had been moved to a lesser class, which would have made the assessment \$325,000 for useage similar to that above.

The membership and the Board of Directors at the June meeting indicated great displeasure with this "Asbestos Health Hazards Compensation Act." The Board of Directors asked the committee to review this and to come up with comments, suggestions and/or a plan for the Institute as regards an Asbestos Health Hazards Compensation Act. The Secretary and some committee members had monitored this question since the June meeting and have been advised that the Fenwick Bill as drafted is dead. There is no movement and no initiative, even within the asbestos producers group as regards the Fenwick Bill discussed earlier.

In monitoring this subject, the Secretary has been advised that the only action currently being considered concerns a draft bill by Senator Hart of Colorado. Senator Hart and his staff with input from asbestos producers are apparently drafting a bill regarding asbestos related disabilities using the States to administer the Compensation Act. It was commented that Senator Hart is from Colorado, the new home of Johns-Manville. The Hart bill, if reported to a committee, would include a supplemental payment for asbestos disabling diseases to be added to the present workmen's compensation benefit. The responsible parties to be assessed would be essentially the asbestos industry and the Government. When a claim is filed through the State, an employer could identify others whom they felt were responsible parties. For example, a friction materials manufacturer could claim that the asbestos producer was responsible for not warning of the disabling characteristics of asbestos exposure. Another major change, beyond the fact that the States would administer this act and there would be determination of responsible parties by the hearing officer, the compensation fund would derive from a 50% contribution by the Government and a 50% contribution by other responsible parties. This is a rough outline of what the asbestos producers industry had been advocating with Senator Hart's staff. The Secretary wrote his Congressman and was given some brief background on the Senator Hart draft, but it was suggested that he contact Senator Hart for more details. The Secretary wrote Senator Hart, but has received no response concerning a Federal Asbestos Health Hazards Compensation Act.

The Secretary followed-up the day before the Committee meeting with the Asbestos Information Association to find out if there has been anything further as regards an asbestos compensation act. The Secretary was advised that there had been no further action that Mr. Pigg was aware of. Based on the foregoing background and review, it was concluded that the objectionable Fenwick Bill was no longer under consideration.

October 25, 1979

There was no need for action as regards the Ferrick Bill as it is no longer viable. Committee members stated that there was nothing further they could do as regards the Senator Hart Bill because no one knew what was in the draft that Senator Hart's staff was working on. It was felt that having a compensation program administered by the States was a better step in the right direction. The Committee directed the Secretary to advise the Board of Directors that no action or suggestion would be taken on a Federal Asbestos Health Hazards Compensation Act until the content or the direction of the Senator Hart draft were known. If any Committee member receives information on the Senator Hart Bill, they are asked to send it to the Institute Office.

FRICTION MATERIALS WORK PRACTICES GUIDE

The Secretary advised that over 45,000 copies of the "Friction Materials Work Practices Guide" were distributed. There are a little over 3,000 copies left at the printer and the question was, if additional copies were to be ordered, is there anything in the booklet which should be changed. One question concerned copy on page 3 where statements were made concerning woven friction materials. The Secretary advised that this section had been criticized and that a woven friction material manufacturer indicated that there was actually less percent asbestos by weight in their woven industrial material than there was in conventional woven material. A member indicated that while this sentence was probably not necessary it would not be proper to remove it at this time. There is a question as to whether the woven type friction material asbestos is less firmly bound into the product, and whether this statement is correct. The allegation is that for some woven asbestos materials this may be true, but for others it is not true.

Another consideration was the section on removing worn friction materials, where the page 7 copy indicated that an industrial vacuum cleaner should be used. A question came up as to whether the Institute should also recommend wet cleaning procedures. The illustration facing page 7 indicates "Use vacuum or wet methods for cleaning." As the Institute knows of no approved wet cleaning method, it is felt the copy as shown in the booklet is correct.

There was some discussion concerning wet methods and their usage. It was noted that the Ammco wet recovery method is used and is considerably less expensive to the brake shop than the multistage high efficiency filter type vacuum cleaner. The members stated that the Institute cannot endorse the wet method as such without particulars on disposal of the waste water. A committee member volunteered to get more details on disposal of waste water. Based on these considerations, no change was planned in the copy as shown in the "Friction Materials Work Practices Guide."

A question was raised concerning publicity for the "Friction Materials Work Practices Guide." The Secretary advised that 45,000 copies had been sold to the Membership for their distribution while additional copies were sent by the Institute to outsiders from notices that appeared in various trade magazines. Notices appeared in Brake and Front End Service, Fleet Owner Magazine, Commercial Car Journal, Service Station Management and other such automotive magazines. Over 1,000 copies were distributed by the Institute directly to those requesting copies. The Chairman questioned whether the booklet was offered in health and safety type

October 25, 1979

magazines. The Secretary indicated that none had been sent to this type magazine. Mr. Armstrong suggested that this might be worthwhile as a training program aid in a health and safety department. As an example, he suggested that a release be made to "Occupational Hazards," 614 Superior Avenue West, Cleveland, Ohio 44113. The Secretary was directed to offer this booklet to "Occupational Hazards" magazine. It was suggested there are other health and safety type magazines in which it might be worthwhile to indicate the availability of this booklet.

RECOMMENDED PROCEDURES FOR REDUCING ASBESTOS DUST DURING BRAKE SERVICING

In addition to the "Friction Materials Work Practices Guide," the Institute has had an eight paragraph notice on one page in Institute catalogs since 1977, entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." This notice covers some of the same items in the booklet, but in a more condensed fashion. One reason for the brevity of the notice was to have the entire content on one page. It was felt that this one page insert should be reviewed to be sure that it meshed properly with the "Friction Materials Work Practices Guide." There might be certain areas which might diverge slightly, such as suggestions for vacuum cleaning brake assemblies, machining operations, and laundering work clothes.

The committee members reviewed the "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." In paragraph 2, on the use of a respirator, the wording was changed to make it a "respirator approved by NIOSH for asbestos dust." This was to change the extensive wording in the earlier write up. Still further, old paragraph 3 was completely removed, in its place paragraph 2 on page 7 from the Work Practices Guide under "Removing Worn Friction Materials" was inserted. Also, it was noted that compressed air or dry brushing could be used if the assembly is enclosed and properly exhausted. Paragraph 4 was completely revised and the content on the top of page 7 on purchasing friction materials preground was used in its place. Emphasis was made on machining with the following wording: "If machining is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake servicing where exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator there must be local exhaust ventilation..." and the wording resumes at the end of the old paragraph 4 concerning the efficiency of the dust removal by the machine. Paragraph 5 remains essentially unchanged, except it was noted that asbestos waste should be disposed of, not only in accordance with OSHA regulations, but with EPA regulations. Paragraph 6 was completely removed and the two lead paragraphs on page 11 of the booklet were inserted in its place. Paragraphs 7 and 8 were removed in their entirety and the third paragraph from the top of page 11 was inserted in its place.

With this, the "Recommended Procedures For Reducing Asbestos Dust During Brake Servicing" was completely rewritten. This wording will appear in the next Institute catalogs. The major objective here was to insure harmony between this notice in the catalog and the wording in the booklet.

When the re-wording of the recommended procedures is complete, the Secretary was directed to send a copy of the wording to committee members.

Mount Sinai Study for NIOSH on Brake Repair Workers

Dr. Nicholson of Mount Sinai has been coordinating that group's efforts for NIOSH on a study, entitled, "Investigation of Health Hazards in Brake Lining Repair and Maintenance Workers Occupationally Exposed to Asbestos." Dr. Nicholson had talked with Mr. Wagner and Mr. Drislane at the Institute offices in 1978 concerning background on, and the history of brake lining repair. In January 1979 a draft was submitted by Dr. Nicholson for suggestions and corrections as appropriate. This study is of major importance to the industry as it is the first attempt to study health records of brake repair workers. The background information on asbestos counts in the brake repair shop are apparently considerably less than some had suspected. The Institute reviewed Dr. Nicholson's report and commented on items of input that had come from the Institute. Also, this report was sent out to others for comment.

Bendix Corporation, in particular, made a detailed series of comments concerning this draft. The question is, where does this study stand? The Secretary wrote to Dr. Nicholson in July asking for information or an update on the status of this NIOSH sponsored study. No reply has been received. The members are not aware of any additional work or results that have been developed by Dr. Nicholson since this January draft. This agenda item was to review any possible new information concerning Dr. Nicholson's study, if it were available. It is concluded that there is nothing new available on this study at this time.

STATUS OF OSHA ASBESTOS STANDARD FOR INDUSTRY

The Chairman indicated that it is likely that there will be a new asbestos standard published by the Labor Department. It will most likely incorporate lower time weighted average (TWA) levels of asbestos exposure as well as peak or ceiling concentration levels. Mr. Armstrong referred to a study that had been reported in the August issue of the British Journal of Industrial Medicine. This study was a follow-up on studies that had been made earlier in Great Britain. This study indicated that asbestosis may be developed at exposure levels as low as 0.3 fibers per milliliter. It was suggested that this later information might serve as a basis for new exposure levels in the American workplace. It was noted that the Labor Department will not be tying in asbestos regulations with their new, so-called generic cancer policy. If anything, the Department will be moving towards new, more stringent occupational standards, at least as far as exposure levels are concerned.

OTHER BUSINESS

A member questioned the frequency of Committee Meetings. In the past few years, meetings have averaged one a year, whereas in the early days of the Committee there were two or three meetings per year. It was stated that meetings will be held as the subject matter dictates and there will not be any official time frame for a meeting. In other words, some items can be handled by mail ballots and the Committee will meet according to the needs of the Institute and its members.

The Chairman suggests that it is difficult to attend meetings at the Paramus location primarily because of the difficulty in getting from the airport to New Jersey hotels and the office. A member suggested that the next committee meeting be at an airport location for the ease of attendance. One member suggested the Pittsburgh Airport and another suggested Newark. The Secretary

October 25, 1979

said that meetings can be held where committee members preferred, and he would be happy to make arrangements for the next meeting at Newark International Airport. This probably could be held either at the Sheraton or the Holiday Inn, both located at Newark Airport. The possibility of using the Pittsburgh Airport will be considered for the following meeting.

* * * * *

There being no other business brought to the attention of the Committee, upon motion duly made, seconded, and unanimously passed it was:

RESOLVED: To Adjourn

Adjourned at 1:40PM

E. W. Drislane
Secretary