

December 18, 1979

TO: BOARD OF DIRECTORS
HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

I am enclosing copies of two documents that may be of interest to the Board of Directors and the Committee.

WAGNER ELECTRIC CORPORATION SUBMISSION TO DOCKET OTS-61005

Mr. Bob Tuegel of Wagner Electric Corporation has sent me a copy of Wagner's submission to the Docket for EPA's Office of Toxic Substances Control: Advance Notice of Proposed Rulemaking (ANPRM). There were various exhibits with the Wagner submission to the Docket which have been a matter of record in the past. I did not feel it necessary to enclose copies of those exhibits. The Wagner submission covers several points which we have made in the past. It is interesting, of course, that the Wagner submission is from a manufacturer who is not a friction materials manufacturer. Most of the arguments used in the Wagner submission are applicable, of course, to individual friction material manufacturers.

ASBESTOS HEALTH HAZARDS COMPENSATION ACT

Prior to the Committee meeting on October 23, 1979 and the Board of Directors meeting on December 4, 1979 I had written to Senator Hart in an attempt to get a copy of the draft act for Federal Asbestos Health Hazards Compensation Awards. Senator Hart, in his letter of November 14, 1975, indicated that he had been working on legislation and that it was still in the drafting stage and not yet ready for production or circulation. Subsequent to that I received a copy of the draft as it stood as of November 28, 1979.

For all intents and purposes the Fenwick Bill which had been discussed earlier in 1979 is dead. This was the Bill creating a fund by assessment on certain classes of asbestos products manufacturers. There was serious objection to the Fenwick Bill content from most of the Membership.

The Hart Bill, however, operates within the State Workmen's Compensation framework. Its assessment on "responsible parties" would be based on determination by hearing officers.

As this is strictly draft legislation and has not been formally proposed or submitted, comments would be inappropriate at this time. It is suggested that this draft be routed to someone within your company who would be in a position to review and comment on such legislation if it is reported out by the Senate Committee in the future.

The foregoing is sent along as a matter of information.

EWD/lmc
Encs.

E. W. Drislane
Executive Director

V-5

MINUTES OF MEETING

of the

BOARD OF DIRECTORS

Tuesday, December 4, 1979 at 9:30 AM

at

Marriott Hotel, Saddle Brook, New Jersey

DIRECTORS PRESENT

R. E. Moalli, President

F. E. Messier

W. Simon

J. W. Greenen

Stuart Comins

G. A. Carrigan

Raybestos-Manhattan, Inc.

FM International

Bendix Corporation

Automotive Aftermarket Operations

Brassbestos Manufacturing Corporation

Nuturn Corporation

P. T. Brake Lining Company, Inc.

S. K. Wellman Corporation

OTHERS PRESENT

Don Manly

J. W. Armstrong

B. J. Pigg

Tim Hardy (AIA Counsel)

E. W. Drislane

R. P. Gorman (FMSI Counsel)

Abex Corporation

Bendix Corporation

Asbestos Information Association

Kirkland & Ellis, Esquire

Friction Materials Standards Institute

Robert P. Gorman, Esquire

* * * * *

Mr. Moalli, Chairman, opened the meeting at 9:30 AM.

MINUTES OF PREVIOUS MEETINGS

The Minutes of the Meetings held June 12-13, 1979 had been distributed.
No corrections were suggested.

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

RESOLVED: That the Minutes of the June 12-13, 1979
Meetings be accepted as written.

OVERVIEW OF INSTITUTE, COMMITTEE, AND REGULATORY ACTIVITY

As Messrs. Pigg and Hardy were delayed in arriving, Mr. Moalli reviewed activities over the past several months. He indicated that Mr. Armstrong had been asked to serve as Chairman of a reorganized committee with emphasis on asbestos and that he had accepted. There were additions to the Committee and some changes in Institute plans for response to EPA initiatives. In June there was no organization within the Asbestos Information Association responsive to the needs of friction materials manufacturers as such. It was not long after our meetings that the AIA formed an ad-hoc Committee for friction materials which was targeted on EPA initiatives as regards asbestos in friction materials and regulations that might be promulgated by the Office of Toxic Substances. Mr. Moalli attended a meeting held in the AIA offices on November 16, 1979 with the Secretary of the Institute, the AIA Director, as well as representatives from manufacturers and the EPA. They met to discuss the information requirements for a voluntary action program on asbestos in friction materials as well as the gathering of information that would precede regulatory moves in this area. The EPA was moving towards a voluntary action program which would include labelling and education for brake repair workers. This did not present any real difficulty but the gathering of information for the regulatory approach did.

The Environmental Protection Agency and the Consumer Product Safety Commission published a notice on controlling industrial uses of asbestos. This was in the Federal Register of October 17, 1979 and was an advanced notice of proposed rule-making in this area. With this advanced notice the EPA is seeking information as regards specific questions on asbestos usage, with friction materials as one of the main target areas. The meeting in Washington was for the purpose of helping clarify some of the requests for information by the EPA.

In these discussions with EPA some attendees felt that EPA considered asbestos to be a deadly toxic substance with almost catastrophic effects on anyone who inhaled it. It was surmised at the November 16, 1979 meeting that the EPA may have already decided that asbestos should be banned in automotive disc brake linings because they believe that the technology is available for non-asbestos substitutes. Their gathering of information may be to support a position at which they have already arrived, rather than the gathering of information to determine the need for any such ban. The question was raised as to how much asbestos would be removed from the environment if asbestos disc brake linings were banned. A Director asked whether the Board of Directors believed that EPA will not ban asbestos in automotive disc brake friction materials.

INSTITUTE RESPONSE TO EPA OFFICE OF TOXIC SUBSTANCES INITIATIVES
ON ASBESTOS IN FRICTION MATERIALS

While general questions on the use of asbestos in friction materials were addressed in the advanced notice of proposed rule-making, Mr. Guimond of the EPA proposed eleven specific questions that he would like answers to from friction materials manufacturers. Mr. Guimond asked friction materials manufacturers to answer these questions. He also asked for a date by which the EPA would be advised as to whether manufacturers will answer these questions. At the meeting, the Secretary indicated that he would try to give Mr. Guimond an answer within three weeks but that it would take at least eight to gather any such answers.

A question was asked concerning the deadline for responses. In the Federal Register notice the deadline was December 17, 1979. The Asbestos Information Association had asked for an extension for at least sixty days in order to gather the information needed. The EPA had indicated that they would not extend the deadline for information. (It has subsequently developed that there will be a sixty day extension.) It was stated that the EPA would consider any information they gathered whenever it was received even if it did not hit the deadline.

In review of the eleven questions, it appears that the EPA needs more information before they can proceed with their rule-making. It was suggested that they need more time to build their case. A Director questioned whether the EPA is attempting to get this information directly from the Institute. The Secretary suggested that the eleven questions were prepared for discussion November 16, 1979 at the AIA and they were not prepared specifically with the idea of the Institute making the response. This was discussed in Washington and it was not decided whether the Institute would respond directly or whether it would pass these questions on for individual replies.

It was suggested that the questions be redrafted in order to give the EPA relevant information beyond the areas questioned. A Director asked as to how and when we resolve any deadline for answering these questions. Should the Institute copy the eleven questions and send it out to the Membership right away? It was stated that the Institute should advise the EPA that a response will be made. In addition to answering the eleven questions, there should be information on what are the real problems as seen by the industry. What pertinent questions have not been asked? There may be the need for questions on the availability of substitutes, tooling, and health questions on the substitutes for asbestos. It was suggested also that the Institute ask members to give an explanation as to what problems they see that have not been asked by these questions.

It was asked if the EPA questions are targeted only for automotive disc brake linings. It was replied that while some of these questions pertain specifically to automotive disc brake linings that the questions are general in nature and should apply to all automotive type friction materials. The emphasis on disc brake materials can be inferred from some of the questions that were asked. It would appear that automotive disc brake materials are the first target of EPA, but they have not specifically said that. It was stated that a case be made that disc brake pads are now in a transitional design stage, and do not need EPA regulation.

INSTITUTE RESPONSE TO EPA OFFICE OF TOXIC SUBSTANCES INITIATIVES
ON ASBESTOS IN FRICTION MATERIALS

While general questions on the use of asbestos in friction materials were addressed in the advanced notice of proposed rule-making, Mr. Guimond of the EPA proposed eleven specific questions that he would like answers to from friction materials manufacturers. Mr. Guimond asked friction materials manufacturers to answer these questions. He also asked for a date by which the EPA would be advised as to whether manufacturers will answer these questions. At the meeting, the Secretary indicated that he would try to give Mr. Guimond an answer within three weeks but that it would take at least eight to gather any such answers.

A question was asked concerning the deadline for responses. In the Federal Register notice the deadline was December 17, 1979. The Asbestos Information Association had asked for an extension for at least sixty days in order to gather the information needed. The EPA had indicated that they would not extend the deadline for information. (It has subsequently developed that there will be a sixty day extension.) It was stated that the EPA would consider any information they gathered whenever it was received even if it did not hit the deadline.

In review of the eleven questions, it appears that the EPA needs more information before they can proceed with their rule-making. It was suggested that they need more time to build their case. A Director questioned whether the EPA is attempting to get this information directly from the Institute. The Secretary suggested that the eleven questions were prepared for discussion November 16, 1979 at the AIA and they were not prepared specifically with the idea of the Institute making the response. This was discussed in Washington and it was not decided whether the Institute would respond directly or whether it would pass these questions on for individual replies.

It was suggested that the questions be redrafted in order to give the EPA relevant information beyond the areas questioned. A Director asked as to how and when we resolve any deadline for answering these questions. Should the Institute copy the eleven questions and send it out to the Membership right away? It was stated that the Institute should advise the EPA that a response will be made. In addition to answering the eleven questions, there should be information on what are the real problems as seen by the industry. What pertinent questions have not been asked? There may be the need for questions on the availability of substitutes, tooling, and health questions on the substitutes for asbestos. It was suggested also that the Institute ask members to give an explanation as to what problems they see that have not been asked by these questions.

It was asked if the EPA questions are targeted only for automotive disc brake linings. It was replied that while some of these questions pertain specifically to automotive disc brake linings that the questions are general in nature and should apply to all automotive type friction materials. The emphasis on disc brake materials can be inferred from some of the questions that were asked. It would appear that automotive disc brake materials are the first target of EPA, but they have not specifically said that. It was stated that a case be made that disc brake pads are now in a transitional design stage, and do not need EPA regulation.

A major question is whether a response should be made by the Institute or by the Members individually. There was also a question as to whether a response should be made thru the Asbestos Information Association. It was suggested that there was another alternative which would be to have the Institute make a general response and encourage individual replies from member companies. Counsel indicated that there may be problems with handling the entire response thru the Institute. There is material in the questions that Counsel feels dictate that caution be used if FMSI is gathering the response. In response to a question, the Secretary indicated that the EPA was not demanding an association reply. The eleven questions were brought to the November 16, 1979 meeting with which EPA was asking for industry cooperation. Whether the information was to be gathered by the association or by individual members was not of prime concern to the EPA. However, they were concerned with being able to detail the source of comments. In other words, they would not want general comments to be "laundered" so that the sources are not available on request. It was stated that this was a non-coercive request for information, and that the EPA would like to be able to rely on this information and to pinpoint the source later on if necessary.

It was stated that anything that is sent to the Institute for gathering a response will become a document that could be subpoenaed in any subsequent litigation. It was suggested that the Institute's Counsel can coordinate the questions asked of the Membership. Because of possible problems of an anti-trust nature a suggestion was made that the gathering of information might be done more suitably thru a third party in the fashion that the Institute gathers its quarterly sales statistics.

The Directors generally concurred in recommending that the Institute represent its members as regards this response. It was suggested that any critical questions or questions of a confidential nature could be subsequently addressed directly to members themselves who would be asked to respond directly to EPA. One member indicated his preference to reply individually. It was suggested that perhaps the Institute should pass these questions directly on to the members for their response giving them suggestions, guidance, or cautions as regards the information they are being asked to provide. The Directors concurred that the response should be coordinated by the Institute.

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

RESOLVED: That the Friction Materials Standards Institute should represent its Members in responding to the information needs in the toxic substance control area as required by the EPA.

Any questions, questionnaire or requests for information from the Membership should first be reviewed by Counsel and then approved by the Board of Directors before submission to the Membership. It was again pointed out that all information channeled thru the Institute for the reply would be open to the EPA should it subpoena the data.

It was suggested that any information that members might have that would support a position in opposition to this regulation should be sent to the EPA. The EPA will not be subpoenaing information opposing their plans for regulation. It was felt that a persuasive case can be developed for not getting asbestos out of friction materials in anything less than ten years. Any information supporting such a viewpoint should be submitted.

It was stated that many of the individuals working on asbestos control at EPA are new to this field. Not only are they new to the asbestos question but have little background in friction materials. It is for this reason that the lines of communication should be kept open, and it was suggested that one of the industry's jobs would be to educate EPA personnel. The Institute should provide them with data and work in a logical controlled manner to arrive at any regulatory results that are realistic and achievable. While the words "spoon feed" were used the point was made that information should be given which gives the complete story on asbestos in friction materials and this may not necessarily be in the areas that EPA is questioning. It was suggested that with the political realities in Washington, that the Office of Toxic Substances will do their best to ban asbestos in friction materials and probably in automotive disc brake materials at first. A question was asked as to how the Institute or its members could get EPA personnel attuned to our problems. A suggestion was made that a tour of plant facilities might be worthwhile as a first step in the education process. Perhaps plant visits could be scheduled with members from the Northeast.

Questions were raised several times as to whether a ban on asbestos in automotive disc brakes was a foregone conclusion. It was suggested that if it is a foregone conclusion the Institute should try to control it or phase it in in a logical manner with the least damage to the members. This would be a different approach than opposing any such ban. Mr. Armstrong asked whether the Board of Directors was in favor of these regulations which may come from EPA. He asked whether an asbestos ban in friction materials is inevitable. Perhaps the Institute's approach should be to fight these expected EPA regulatory initiatives.

Mr. Hardy indicated that it was not automatic or a foregone conclusion that asbestos would be banned in friction materials. There are several questions and burdens of proof for which the EPA must develop answers. (1) Is there an unreasonable risk to the health and environment from asbestos in friction materials? (2) Can the risk be reduced by other measures than an outright ban? (3) Is this the least burdensome means of accomplishing Toxic Substances Control Act objectives? (4) Are the substitute materials less adequate than the materials they will be replacing from a safety viewpoint? There is doubt that medical evidence would support the ban on asbestos in friction materials. He suggested that the EPA will have a difficult time documenting such a ban.

Mr. Armstrong suggested that if the industry wished to make strong opposition to a ban it would have to produce medical evidence to refute the unreasonable risk allegation. It was indicated that there was no one at the meeting in favor of regulations to ban asbestos in friction materials. It was suggested at the same time that for members, or the Institute, or others opposed to regulatory initiatives to ban asbestos in friction materials, that this did not in any way prevent us from cooperating with the EPA. It was stated that it is important to keep channels of communication open.

As regards a ban, a question was asked regarding the final report of the United Kingdom Advisory Committee on asbestos. This well documented report suggested lower exposure levels for chrysotile asbestos than that now in use. It was suggested that the standard be reduced from 2 fibers per milliliter to 1 fiber per milliliter. It suggested tighter exposure levels for amosite and essentially a ban on crocidolite. As the friction materials industry uses chrysotile asbestos only, it was pointed out that this approach could be considered in the United States. Essentially the suggestion is that where a ban may make sense for crocidolite asbestos, it does not reflect the scientific evidence when proposed for friction materials containing chrysotile asbestos.

As regards the medical and clinical background for asbestos related disabilities, it was stated that most of the important exposure and epidemiological data has been derived from exposures in Great Britain in the 1930's and 1940's, and in the shipyards in the United States during World War II. It has been acknowledged many times over that these dosages were extreme and that asbestos types other than chrysotile had been used. It was stated that the Federal regulatory authorities are relying extensively on this old data of high exposures and uncontrolled conditions for their moves in the asbestos area. The question was asked as to whether members' employees actually have a problem with asbestosis, lung cancer and other asbestos related diseases. Several members indicated that they are not aware of any problems. However, they do not have definitive answers that can be used to respond to the regulators. One member indicated that its employees had 30 to 40 years exposure to asbestos in the workplace without apparent disabilities beyond that which would be expected in the general population.

It was stated that even with the medical histories that started in the early 1970's that there was not sufficient exposure data available which would be needed by a good epidemiologist. It was suggested that it would be in the best interests of the Institute and its members if evidence could be produced on medical histories in our industry. There is a great need for studies on low level exposures. None are available but the information is needed. It was pointed out that the major concern of the EPA was in the general environment rather than in the work place. Low level exposures would be typical of those for the brake repair worker. Exposure levels in the factories might be considerably heavier than that for brake repair workers before the OSHA regulations. While medical surveillance and records started at most locations in the 1970's there were populations exposed for 20, 30 and 40 years earlier, under uncontrolled conditions. Perhaps medical evidence on this population would be of value.

It was stated that before any ban on asbestos use in useful commercial products such as friction materials takes place that there will be some testing of the claims that have been used by the EPA on the health effects of asbestos. It was stated that the Asbestos Information Association plans some work on risk assessment. Three questions were asked concerning medical and clinical data: (1) Is there medical data available? (2) Would the members expose individual data to the Environmental Protection Agency? (3) What is the existing level of medical information?

The main thread running through the questions posed by the EPA concerns substitutes for asbestos. There have been several articles in trade magazines concerning the replacement of asbestos. Mr. Guimond earlier showed the Secretary an article from Automotive Industries in May 1979 which was headed "Age of Asbestos on Vehicle Parts Ending." This was based on information primarily sourced from Raybestos-Manhattan. In addition, the EPA had a letter from General Motors in their docket concerning their program for non-asbestos friction materials for brake systems. In that letter, which is a public document, it was noted that General Motors plans that all passenger car disc brake applications will use non-asbestos friction materials by the 1983 model year. In addition it made projections on drum brakes for 1985, with work on light trucks and heavy trucks to follow. This is the type of information that supports possible EPA plans to ban asbestos in automotive disc brake materials. It was stated that while this may be true for General Motors, on an original equipment basis, there would of necessity be a time lag for the replacement market, for other domestic original equipment manufacturers, to say nothing of the imported cars. A question was asked whether current semi-metallic General Motors disc brake linings use asbestos. It was stated that this was not known, but that some Delco-Moraine ads had indicated the use of non-asbestos materials. Further, it was stated that some of the semi-metallic materials used today have asbestos in the backing layer underneath the friction material.

It was stated that the EPA will have difficulty regulating non-asbestos friction materials into some industrial applications. One Director indicated that there would be considerable difficulty in adapting a non-asbestos friction material to certain systems used in overhead cranes. It was indicated that some of the materials that were used for replacing asbestos were iron powder and copper powder. There is a growing shortage of iron powders and copper powders used in friction materials. Another Director stated that there are many problems adapting non-asbestos type materials to applications such as truck disc brakes. It was indicated that some of the non-asbestos types had difficulty with cast iron rotors and that the brake package had to be almost completely redesigned to take steel rotors.

It was suggested that another difficulty might surface at a later date and this is the carcinogenic properties of the materials being used as substitutes for asbestos. Questions along these lines were asked by EPA in their advanced notice of rule-making. However, in many cases the substitutes that are being used in non-asbestos friction materials are fibrous in nature. There has been a question raised concerning the pathogenicity of asbestos and whether it was attributable to its fiber shape rather than its chemical make-up. If it should be developed that fiber structure is the problem, it may be that fiberglass and the metal fibers that are used as substitutes could act as carcinogens when inhaled. It is unlikely that the medical risks involved with fiber substitutes can be evaluated in the short term.

It was stated that another question that can have an impact would be the fact that several manufacturers may not have the technology to meet non-asbestos friction material requirements. What will be the impact on each member's individual company? What time frames do they see? What costs will they be asked to expend to develop the technology? Will certain companies not be able to continue in the market? What are the sizes of the companies that could be most seriously impacted by a ban? It was suggested that the size of a company might be judged by the number of employees effected. It was also suggested that the size would be based on the number of pieces of friction materials produced by a manufacturer.

One Director indicated that at the present time there is a worldwide shortage of tooling. In some cases it is not a case of having the funds to spend for the tooling but it is having the tool maker actually produce the tooling on any kind of schedule. For most substitute materials, a complete re-tooling is called for. One Director stated that capacity in the industry is not adequate now. If the impact of a ban would be to cut capacity still further while manufacturers were developing the technology there could be a serious capacity problem. One Director asked if Ford Motor Company decided that it wanted to go with non-asbestos linings in 1981, where would production capacity come from? It is almost certain that if a regulation enacting a ban went into effect, that certain companies would have to get out of the business, and there would be a marked loss in capacity.

It was suggested that information concerning the size of the market and the amount of asbestos used would be pertinent. How big is the market for asbestos-containing friction materials? How big is the market for automotive disc brake linings? There were questions along this line raised in the advanced notice of proposed rule-making. This information would be released in any response made to the EPA. It was suggested that it may be important to know how much asbestos is used in each of the friction material type markets (disc brakes, drum brakes, blocks, clutch facings, etc.). How much asbestos would be removed from the environment by a ban on automotive disc brake linings containing asbestos?

An overriding concern when substitutes are discussed is the confidentiality or the proprietary nature of that information. Most of the information on substitute materials and substitute compounds is confidential. Even the new technology for handling the substitutes is considered proprietary. It was suggested that any voluntary information that is passed on to the Environmental Protection Agency might be subject to access by parties other than EPA. Mr. Hardy indicated that while there are safeguards for the information, they may not be as strong as they should be. Where the information is subpoenaed or coerced from the provider there may be better protection of confidentiality. This concern for confidentiality cannot be overlooked when providing the EPA or other regulatory authorities information of a proprietary nature. On the subject concerning transfer of technology, the EPA questioned whether a company would consider licensing of technology to manufacture non-asbestos brake pads. This obviously is aimed at the automotive disc brake question. The questions on licensing technology would have to be answered by individual companies, and while the information may be routed through the Institute this may be a most difficult question for some members.

It was pointed out several times that where the information requested by EPA is not provided, that they do have the power under the Toxic Substances Control Act to compel delivery of this information.

As regards requesting the information from the Membership it was suggested that its Health and Environmental Affairs Committee or a Task Force review these questions. It was suggested that in order to organize a response there might be need for new skills on the Health and Environmental Affairs Committee. It was suggested that Public Relations skill might be needed in presenting the Institute's problems to the EPA. It was suggested that a program be outlined as the Committee needs direction. Let the Committee review the request for information from EPA and add their own questions. Additional information should be provided beyond that which has been requested by EPA. Any additional questions over those asked by EPA can be suggested by the Committee. It was suggested that the Committee, when preparing questions, ask that members answer every question and that they indicate their reasons for not answering such as don't know, proprietary, or the like. It was suggested that the questions might be broken down into different categories of friction materials such as disc brake linings, drum brake linings, brake blocks, clutch facings, industrial segments, etc. A Director indicated that while this may or may not be of value, this is a question that should be considered by the Committee when it makes its recommendations.

A Director suggested that it would be worthwhile if the Committee or a Task Force meet with the EPA. In particular, he suggested that a group meet with Mr. Guimond and others in the Office of Toxic Substances who have direct responsibility for rule-making on asbestos friction materials. There could be an informal meeting with the EPA and an Institute Task Force for clarification of the questions submitted by EPA. This would indicate that the Institute is anxious to cooperate and it would be helpful if the EPA could be more definitive and specific on some of the questions. In addition this may also buy some time where the members can be working on the questions and perhaps gathering some preliminary data. It was stated that the questions asked are broad questions and they should be more definitive or ask specifically what they are looking for. While a meeting is being worked out with the EPA, the members would be advised on what is going on so they could start gathering information. It was suggested that any meeting might best be held in the Washington area. Mr. Pigg suggested that it would be well to have the meeting at the EPA offices. An Institute Task Force to be organized by Mr. Armstrong could discuss the technical questions that are involved. They could also get some input to those in the EPA responsible for regulations. In other words, the meeting with the EPA might not just be for clarification of the questions but it could also be for raising issues and indication of industry problems with a ban. The questions to be answered in response to the EPA request will depend upon the answers that the Task Force gets from EPA. Mr. Moalli indicated that he would pursue this further with Mr. Armstrong, Chairman of the Health and Environmental Affairs Committee, to get the Task Force in operation.

It was agreed that the Institute would continue working with the Asbestos Information Association and in particular with its ad-hoc Committee. Correspondence would continue to be interchanged between associations. Mr. Pigg noted that the Asbestos Information Association has given presentations to the EPA. One was on the consumption of asbestos and the other was on medical information as regards asbestos related disabilities.

As indicated earlier, a question was raised as to whether the Institute should go to its Membership with a program to answer questions submitted by EPA. The Membership should be informed as to what the Directors and the Committee are doing as regards asbestos in friction materials. It was suggested that we advise the full Membership as to the current high level of activity in the asbestos area. It was suggested that the Membership be sent the same package of literature, letters and documents that were distributed to the Directors at this meeting. It was noted that there should be a strong covering letter to the Membership emphasizing how serious the EPA initiatives in the toxic substances control area really are. Also it was specifically noted that where the eleven questions from EPA are forwarded there should be a note on the top of the draft to the effect that the Institute and its Committee are reviewing these questions and we hope to have them clarified and perhaps supplemented before answering. In other words, the members should not take these questions and make direct replies to EPA until the questions have been clarified. In any forwarding of data to the members it was suggested that these eleven questions from EPA be put at the top of the pile, and indicate that the questions raised by EPA in the information gathering process are most important.

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

RESOLVED: That the Institute send members copies of all documents distributed at this Board of Directors Meeting relating to EPA initiatives in the toxic substances control area.

The members should be advised that the Committee will be reviewing this with EPA and the questions may be further clarified or enlarged in order to develop a meaningful response. The members will be asked to send whatever additional information they feel would be appropriate in replying to EPA. While these eleven questions should be sent to the members with this package, they should be told that the questions are being re-phrased and they should not be answered at this time.

After the Task Force has contacted the EPA and the questions have been re-phrased or supplemented, the covering letter and questions should be referred to Counsel before being mailed.

SUMMARY OF PLANS FOR INSTITUTE RESPONSE

The following steps are to be taken in organizing a response to the EPA as regards their initiatives on asbestos in the friction materials area.

1. A complete file of the documents distributed to the Board of Directors will be sent to the Membership.
2. The draft eleven questions prepared by EPA will be sent with this package, but it is suggested that replies not be made until these questions have been clarified with the EPA.
3. A Task Force will meet with the EPA's Office of Toxic Substances to review and clarify the questions.

4. The Health and Environmental Affairs Committee will review and recommend wording for the questions to be asked the Membership.
5. The questions after review by Counsel will then be sent to the Membership for preparation of an Institute response.

It is again suggested that in phrasing the questions that the Committee advise if the questions pertain to the broad range of friction products or to specific product lines.

INSTITUTE RESPONSE TO EPA ON POPULATION EXPOSURE AND
ROUTES, DURATION AND FREQUENCY OF EXPOSURE

The Health and Environmental Affairs Committee drafted a letter to the Environmental Protection Agency concerning their suggested regulations on asbestos. This response was patterned after information gathered to refute an earlier IIT Research Institute report which pointed at asbestos friction materials as having an extremely high population exposed at high exposure rates. This document was prepared by the Committee and revised by the Chairman and was ready for distribution to the EPA. The Directors stated that this letter to the EPA should first be reviewed and approved by Counsel. Then with Counsel review and possible revision of the letter, it must be approved by the Board of Directors before release.

FEDERAL ACTIVITY - ASBESTOS HEALTH HAZARDS COMPENSATION ACT

The Secretary advised that he had written to Senator Gary Hart who was to be the sponsor in the Senate of an Asbestos Health Hazards Compensation Act. It was stated that the Fenwick Bill as drawn up earlier was dead. It was indicated that this bill was never given serious consideration from the onset but it was a stepping stone towards a practical compensation bill. Senator Hart's reply indicated that there was no action being taken on a Senate Bill at this time.

Mr. Pigg advised that he had just received a copy of some draft legislation for a compensation act. He had only received this draft the day prior to our meeting. The recommendation of the Health and Environmental Affairs Committee was that no action be taken on an asbestos health hazards compensation act until the Committee was able to review the content. Mr. Pigg gave this draft to the Secretary who will send it to the Committee for their consideration and comments.

HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE REPORT

Mr. Armstrong, Chairman of the Health and Environmental Affairs Committee, reorganized this Committee and expanded the Membership to include new members from H.K. Porter Company, Thiokol and Nutrun. Mr. Armstrong indicated that there was no charter or direction for the Committee as such and that the Committee was drafting a charter which he was now reviewing. The Committee recommended that with no known action in the area of an asbestos compensation act that no action should be taken at this time. The Committee will continue to monitor any activity in this area.

The Committee reviewed the "Friction Materials Work Practices Guide" and a one page notice entitled "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." This one page document appears in many of our catalogs and it was completely revised. As regards plans by the Occupational Safety and Health Administration, questions were asked as to where this standard is headed. Mr. Armstrong indicated that based on some technical papers on past asbestos exposure and asbestosis levels in Great Britain, that there may be pressure to move the standard to 0.3 fibers per cc. In addition he would expect other OSHA changes.

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

RESOLVED: To accept the report of the Health and Environmental Affairs Committee as read.

GENERAL MEETING/PRESENTATION ON INSTITUTE AND
REGULATORY ACTIVITIES RELATING TO ASBESTOS

Mr. Messier suggested that a Membership meeting be called to go over this high activity in the asbestos area prior to the June Meetings. It was suggested that rather than having a formal meeting with Delegates and Alternates with marketing orientation that members be encouraged to send those interested to the meeting. It was also suggested that it could be worthwhile to invite an EPA representative to talk to the members. It was noted that any such meeting would have to come subsequent to the Task Force meeting with EPA and the subsequent Committee meeting on the questions.

A Task Force was organized to target the location and date for such a meeting. Messrs. Greenen, Messier and Drislane volunteered to serve on the Task Force. It was suggested that a Tuesday would be the best day for a meeting and that if it was held in the Northeast the meeting be scheduled for 10 A.M. preferably at an airport location. It was suggested that if the meeting were to be in February or March that perhaps it might be better to hold the meeting in a central airport such as at Atlanta. If it were to be held near the Atlanta airport it was suggested that the meeting be scheduled for 1 P.M. which would give parties from many locations a chance to fly in during the morning. It was suggested that without knowing the number who will attend such a meeting it may be difficult to schedule airport locations for such a meeting. The Task Force will coordinate and discuss plans for such a meeting as regards time and location and report back to the Board of Directors.

NON-MEMBER FRICTION MATERIALS MANUFACTURERS

Prior to the meeting Mr. Greenen noted that Krasne Manufacturing on the West Coast was back manufacturing friction materials. They had been purchasing slabs from Bendix from which they were cutting pucks for imported car disc brakes. Mr. Greenen indicated that they are now manufacturing their own pads and they are selling them under private label and through other distribution channels. He indicated that they were using the FISI numbers on these products. Mr. Messier's company has provided the slabs to Krasne and he was not aware that they were back in the manufacture of friction materials from basic ingredients. It was suggested that a letter be written to the Krasne Manufacturing inviting their Membership in the Institute.

A question was raised about Virginia Friction Products in Virginia run by the Carreras family. The Secretary indicated that he had written to Mr. Bill Axlerod at Krasne over a year ago concerning possible Membership in the Institute. He had also written to Mr. Carreras of Virginia Friction Products. No replies were received. One of the problems with the Virginia Friction Products operation was discussed at the June 12, 1979 meeting. The Secretary at that time was directed to write to Virginia Friction Products which he did. He also called Mr. Joe Goodreau at Hidco in Middletown, Connecticut concerning Virginia Friction Products.

A question was asked as regards non-member use of copyrights and whether lack of enforcement of a copyright might be a path to loss of the copyright. Counsel indicated that he was not completely versed on copyright law but that he believed this to be so. The Secretary suggested that before he writes concerning Membership in the Institute and copyright infringement that he have some evidence on these manufacturers' use of the FMSI numbers. It was stated that the following would be a program for correspondence and follow-up:

1. Send a letter to the manufacturer suggesting Membership and advising on use of the Institute's copyrights and trademarks.
2. After sufficient time has lapsed, write a follow-up letter and at the same time write to the Membership asking for any evidence of that manufacturer's use of the Institute's copyrights or trademarks.
3. If evidence is available from the Membership on the use of the Institute's copyrights and trademarks write another follow-up letter.
4. If there has been no reply to the follow-up letter (after proof has been provided) the question will be referred to Legal Counsel for his follow-up.

IDENTIFICATION OF METALLIC TYPE LININGS

The Secretary indicated that at the June 1979 Board of Directors Meeting they referred a question concerning metallic linings in Institute Catalogs to the Data Book and Technical Committee. Two members had suggested that there be specific identification of semi-metallic or metallic type linings in the Institute's catalogs. At the October 23, 1979 meeting of the Data Book and Technical Committee the Committee adopted a resolution against listing metallic type friction materials in the Institute's Catalogs. They resolved that the original equipment metallic or other formulation of friction materials not be shown in bulletins or catalogs and supported that resolution with these five items:

1. Metallic composition information is not readily available. Original Equipment manufacturers may consider this information privileged.
2. The Institute should not make recommendations or infer recommendations on formulations for brakes.

3. There is a difficulty with running changes where material compositions change during a model year.
4. The inclusion of such a change could be the forerunner to listing other types of materials such as fiberglass, etc.
5. There are differences as regards the definitions of metallic linings.

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

RESOLVED: That the Board of Directors concurs with the Data Book and Technical Committee in not showing metallic or other formulation of friction materials in its bulletins or catalogs.

APRA BRAKE SYSTEMS INSTITUTE MEETING

The Secretary advised that Mr. Simon had invited him to address the APRA's Brake Systems Institute at a meeting scheduled at Fort Lauderdale, Florida on February 11, 1979. The Secretary indicated that he felt he needed the Board's approval to attend such a meeting. Mr. Simon was asked what Mr. Drislane would be asked to discuss. Mr. Simon indicated that it would be involved with edge coding and identification on brake linings, activities of the Institute, and lining presentation in the catalogs. A question which had come up with the APRA concerned metallic lining listings in Institute Catalogs. There was a question as to whether Mr. Drislane's appearance at this meeting had any benefit to the Institute, and could it interfere with the schedule of activities in the asbestos area over the winter months. The President questioned the value of an expenditure for this trip. The Directors asked the President to work out a decision with the Secretary as regards his making a presentation to the APRA's Brake Systems Institute.

* * * * *

There being no other business brought to the attention of the Board of Directors,

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

RESOLVED: To adjourn.

Adjourned; 1:20 P.M.