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CARLWOBENC J. T. BARR
APR 27 1978

April 25, 1978

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MEMORANDUM FOR THE STEERING, LEGAL, SCIENTIFIC AND PUBLIC
RELATIONS COMMITTEES

Counsel for AIHC, API, AISI, SPI and MCA met today with Ed Klein, Anson Keller and Edith Nash of OSHA to discuss procedural matters.

(1) OSHA is tentatively deciding to divide all those filing notice of intention to appear into four categories for the purpose of cross examination: affiliated associations, companies, unions and all others. It is OSHA's intention to rotate cross examination with one questioner from each category to be followed by a second round from each category, etc. There is still some doubt as to how OSHA will treat its witnesses for this purpose and whether OSHA will permit its consultants to ask questions. Their present disposition is to permit consultants to ask questions.

(2) The amount of time allowed for cross examination still remains open, but OSHA is currently thinking of the following limitations: where the witness is on for the whole day, the first round will be limited to one hour, the second to a half hour and all subsequent questioning to fifteen minutes. Where the witness or the panel is on for a half day, the first round will be limited to one half hour and all subsequent rounds to fifteen minutes.

(3) OSHA has tentatively adopted the the suggestion made by the association counsel that a sign-up sheet be provided so that persons wishing to cross examine will sign up the day before. This will be subject to flexibility so that a person flying in for a particular day will be permitted to question, but at the end of the line.

(4) OSHA plans to permit questioners within each category to cede time so that the first or second round can have additional time. This is to be done by agreement.

(5) OSHA has provided a tentative schedule of witnesses. An initial examination of the schedule suggests that questioning will probably finish within the time specified with the possible exception of Donald Kennedy. Donald Kennedy is available only for one half day. Whether he can be persuaded to return for additional

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questioning appears to be in substantial doubt. (Tentative schedule attached.)

(6) In addition to the tentative initial three week of scheduling, Anson Keller said that in the fourth week he plans to schedule Trump and Kaufman, Hoel and Baltimore, Weinstein and Dubin, Goldstein (who may not be called), Peto, a panel made up of industrial hygiene witnesses, and will conclude with NIOSH, EPA and CPSC.

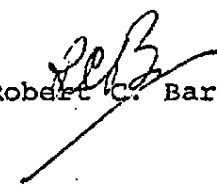
(7) OSHA has tentatively lined up the first week of testimony, business will follow OSHA, with AIHC leading off with three days, June 20-22 inclusive. AIHC will be followed by two or three witnesses not as yet specified. The following week will begin with API, AISI and MCA, possibly including SPI. These in turn will be followed by Johns-Manville, Dow and DuPont.

(8) OSHA expects the hearings to open in the Interdepartmental Auditorium in the old Labor Building and to move the hearings to the Labor Department Auditorium when the numbers attending the hearing are sufficiently small to be accommodated at the Labor Department.

(9) It is OSHA's intention to announce hearing dates on a rolling two week basis. At the end of each week a new two week schedule will be published.

(10) OSHA has not yet decided whether OSHA will question witnesses first or last. They seem inclined toward the view that OSHA will question its own witnesses or government agencies last, but will question other witnesses first. This, however, has not yet been decided.

We expect resolution of these various issues some time next week.


Robert C. Barnard

Enclosure

"OSHA CANCER POLICY" WITNESSES

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DATE	MORNING	AFTERNOON
5/22/78 MONDAY	BATES, RICHARD R. (FDA & NIEHS) and STEWART, H. L. (NCI)	Continued as Necessary.
5/23/78 TUESDAY	SNEIDERMAN, M. A. (NCI) and HOOVER, R. N. (NCI)	Continued as Necessary.
5/24/78 WEDNESDAY	SAFFIOTTI, U. (NCI) and GRAESEMER, A. R. (NCI) <i>(Continued at 1:00 PM 5/24/78)</i>	Continued as Necessary.
5/25/78 THURSDAY	LITINSKY, WILLIAM (FCRC)	Continued as Necessary.
5/26/78 FRIDAY	ERSTEIN, SAMUEL S. (UNIV. OF ILL.)	Continued as Necessary.
5/27/78 SATURDAY	CONTINUED as Necessary. SATURDAY	NO SESSION.
5/28/78	SUNDAY	
5/29/78	MEMORIAL DAY MONDAY	

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