



ASBESTOS INFORMATION ASSOCIATION

1660 L Street, N.W. • Washington, D.C. 20036 • (202) 223-1885

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2 December 1975

Memorandum For:

MEMBERS

Subject:

Program Regarding Proposed Revision
to OSHA Asbestos Standard

In my letter of November 25th, I tried to bring you up to date on the present status of the proposed OSHA asbestos standard and to outline the program which we felt the AIA/NA should pursue.

Attached is a copy of a memorandum from Guy Gabrielson, Director of the AIA Industry Task Force, giving details of how he believes we should proceed. I think that he has done an excellent job in developing a very sound program and I am in full support of it. I ask that you review it thoroughly and come to the Directors' Meeting on December 11th prepared to discuss it and, hopefully, give it your support. If you will not be able to attend the meeting, please give us your opinion in writing prior to that date.

As indicated in the memo, we estimate that it may cost as much as \$50,000 to properly prepare and present the industry response. To cover this expense, it may be necessary to increase members' dues by as much as 15% for the year 1976, but we hope to reduce or eliminate this burden by increasing the association membership and by soliciting financial support of non-members. I think it is only fair to alert you to the possibility of increased dues in case we are not successful in our other efforts to raise the needed money. This is another subject on which we need your vote. While it is certainly distasteful, we believe that the stakes are sufficiently high to demand that our response be properly prepared. Unfortunately, this can't be accomplished without incurring abnormal expenses.

Another area in which we solicit your suggestions is for a candidate to act as a consultant to the AIA in collecting data for the feasibility analysis. The role to be played by that individual is described in Guy's memo. If you know of a retiree or some such person who you think would be interested in and capable of filling the spot, we would welcome your recommendations.

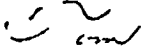
PLAINTIFF'S EXHIBIT

CAP-660

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It is our intention to invite non-member companies of the industry to come to Washington in the afternoon of December 11th and to have a session with them, following our Directors' Meeting, to fill them in on what the association is trying to accomplish and to solicit their support. We would like our response to be representative of as large a segment of the industry as possible. Please give Bob Mereness any suggestions you might have for companies you would like to have invited.

The next few months are going to be crucial ones for the asbestos industry and there are many important decisions to be made at our meeting on December 11th. We want and need input from all of the members and we are hoping for full attendance. Make every effort to be present; but if you can't, please give us the benefit of your opinions and recommendations prior to the meeting.


Thomas A. Dougherty
President

Enclosure

cc: Mr. G. G. Gabrielson, Jr.
Mr. R. H. Mereness



ASBESTOS INFORMATION ASSOCIATION

1660 L Street, N.W., Washington, D.C. 20036 • (202) 223-4885

TO: U.S. Manufacturers Asbestos Products

FROM: G. G. Gabrielson, Jr., Director A.I.A. Industry
Regulation Task Force

SUBJECT: Proposed OSHA Regulation, Occupational Exposure
to Asbestos, 29 CFR Part 1910 (Copy Enclosed)

A very limited informal sampling of opinion within the asbestos manufacturing industry indicates that the 0.5 fibers per cc. standard for factory air specified in the proposed revision of the OSHA asbestos standard may not be feasible technologically and could have a severe, if not disastrous, adverse economic impact on the industry. This and other problems raised by the proposed revision were carefully considered by the Executive Committee of the A.I.A. at its meeting on November 21st.

It is the opinion of the members of the Committee that an industry response to the proposal which endeavors to limit the number and extent of individual dissents might avoid the damage to credibility which recently has resulted from uncoordinated and conflicting presentations and testimony offered by companies in other industries faced with proposed regulations for the protection of the health of their employees. On the other hand, the very short period of time within which the asbestos industry must act does not appear practically to permit us to use the conventional deliberate committee method of achieving an industry consensus. (It is our expectation that the A.I.A. request for an extension of time within which to comment upon the proposed regulation will be granted, but only for 60 days beyond the original December 8th deadline, and that the extension will have been announced by the time you receive this memorandum.) The issue for consideration, then, is: how can we act expeditiously and still present a credible industry position to which individual companies, and possibly their unions, conscientiously can adhere?

I have proposed to the Executive Committee and it has endorsed for approval by the full Board of Directors of A.I.A. on December 11th, the following general outline of an emergency plan of action:

- (1) The Association will announce that it intends to develop an industry response to the proposed new OSHA asbestos regulation and that it has authorized initial funding for the project of \$50,000.

- (2) The Association will invite non-member companies to participate in the development of this industry response by providing relevant data or opinion and contributing to the cost of the project, if they are willing; or by providing relevant data and opinion alone, if they do not choose to give financial support. Participating companies and their unions will be asked to join in the final preparation of a joint recommendation to OSHA, each participant reserving to itself the unqualified right to refuse to endorse the presentation or to file a dissenting or supplementary statement.
- (3) The Association will ask its Medical Advisor, Dr. Hans Weill, to prepare a report summarizing the results of all significant scientific studies relating to asbestos and health and detailing the full range of responsible opinions which have been or may be drawn from those studies (see supplementary note attached).
- (4) The Association will recruit a full-time consultant, preferably from among persons who have extensive experience in at least one segment of the asbestos manufacturing industry, to gather data and opinion from participating companies and to prepare a report on the feasibility of the 5.0 fiber, 2.0 fiber and 0.5 fiber standards and on the economic impact of each such standard on each of the segments of the asbestos manufacturing industry (see supplementary note attached).
- (5) Participating companies will submit in writing to the Executive Director of the A.I.A. before January 15, 1976 any comments or recommendations which they may choose to make on any phase of the proposed regulation (because of time constraints some participating companies may not be visited or contacted by our industry consultant).
- (6) The Association will reproduce the medical and feasibility economics reports and then will draft a summary of both reports, together with a proposed industry recommendation, all three documents to be presented to a meeting of representatives of participating companies and unions in the Washington, D.C. area during the latter half of January, 1976. If we can achieve at that meeting substantial agreement to the combined report (the medical report, the feasibility-economics report and the summary and recommendations), it will be formally submitted in writing to the Department of Labor on behalf of all those companies and unions (whether or not members of A.I.A.) who there vote to endorse it.

- (7) If there is later a hearing on the proposed regulation, the A.I.A. and participating non-members will consider offering testimony in support of their joint recommendations.

It is most important to note, at this juncture, that the British asbestos industry has formed a committee to provide, through the A.I.A., information and assistance to the U.S. asbestos industry in the development of its response to the proposed OSHA regulation. This help should be of great value.

You also should be advised the the Department of Labor has entered into a contract with a Pittsburgh consulting firm, Consad, to prepare for it a study of the projected inflationary impact of an implementation of its proposed new regulation. Your company may be contacted by Consad to supply data for their study.

In anticipation of favorable action by the Board of Directors of A.I.A. on the above plan of action endorsed by its Executive Committee, it is my privilege to invite you to join with us in the preparation and presentation of an industry response to OSHA's proposal. If you decide to participate, will you please:

- (1) Write to me in care of A.I.A. signifying your intention to support the program and cooperate in the development of an industry position.
- (2) Designate in your letter a senior official of your organization who will be a member of the Industry Regulation Task Force and who will be responsible for supplying data and information from your company. (This individual should be in a position to attend our January meeting in Washington and should have authority to represent your company and to vote for or against endorsement of the industry presentation there to be considered.)
- (3) Indicate in your letter whether or not you are willing to contribute funds to the development of an industry response.
- (4) Proceed immediately to assemble the data and form the opinions which will be required to complete the feasibility-economics report described in the note attached.
- (5) Submit, if you wish, prior to January 15, 1976 your individual written comments or recommendations concerning any aspect of the proposed new asbestos regulation.

- (6) Meet with each local union representing your employees to suggest that it:
 - (a) petition its international union to express in writing to the Secretary of Labor its opposition to the proposed asbestos standard and to participate in the development and presentation of an industry response to the standard as proposed; or, in the alternative.
 - (b) simply take the same action as a local union.
(At least one company has had favorable responses to such overtures to its locals.)

If you wish to discuss this matter personally either before or after joining us, I would be delighted to have you call me at my office in Ambler, Pennsylvania, telephone (215) 646-4000. Prompt and concerted action is essential if we are to have any chance of mitigating the damage which the proposed regulation may do to our businesses.

12/1/75

NOTE

Medical Report

It is anticipated at this time that our medical advisor will review recently published studies concerning asbestos and health and any unpublished studies on the subject to which he may have access (including, in particular, those to which reference is made in the proposed OSHA regulation); that he will correspond with or interview by telephone or in person such experts in the field of asbestos and health as he may choose for the purpose of eliciting additional information which might aid in the interpretation of the studies and for the purpose of defining conclusions or inferences which have been or may be drawn from the studies; and that he will prepare a report which will describe briefly the present body of knowledge concerning asbestos and health and which will list the different conclusions which have been expressed by recognized scientists concerning the meaning and significance of that body of knowledge. Typical differences of opinion which appropriately might be described in Dr. Weill's report are those concerning such questions as:

- (1) Is asbestos a carcinogen, a co-carcinogen or merely a vehicle for transporting carcinogens into the lung and holding them there?
- (2) Do the different varieties of asbestos have different impacts upon the health of exposed individuals?
- (3) Is the geometry of the fiber the important health consideration, and, if so, are all inorganic fibers within a certain range of sizes equally dangerous?
- (4) Is there a threshold limit below which asbestos exposure is no threat to human health and where might that limit be?
- (5) Are there differences in individual susceptibility to the harmful effects of asbestos on health and therefore, possibly, a different threshold limit for each individual person?

NOTE

Feasibility - Economics Report

The feasibility-economics report should include, at minimum:

- (1) A statement of monies already spent and projected to be spent on dust control in each segment of the asbestos manufacturing industry,
- (2) A record of the improvements achieved to date in dust counts at each production step in each segment of the industry,
- (3) A statement of operating costs presently being incurred in each segment of the industry to control asbestos dust, to monitor dust conditions and employee health, to keep mandated records and otherwise to comply with present regulations,
- (4) A statement of the consensus or the range of responsible opinions as to the feasibility of each of the three fiber standards (5.0, 2.0 and 0.5) at each production step in each segment of the industry,
- (5) A statement of the range of estimates made, in each segment of the industry, of the capital and operating costs of compliance with each of the three fiber standards (assuming, for this purpose, that they are feasible),
- (6) A statement of the range of estimates made in each segment of the industry, as to the date upon which compliance with each of the three fiber standards might be achieved at each step of its manufacturing process (the estimated dates may include "now" and "never"),
- (7) A statement of the range of estimates of selling price increases to be expected for each major product or product line of the industry as a consequence of the adoption and enforcement of each of the three fiber standards (assuming, again, that they are feasible) and
- (8) A statement of the range of estimates made, in each segment of the industry, of loss of markets which may be anticipated as a result of the adoption and enforcement of each of the three fiber standards, plus an extrapolation of each range of estimates of market loss into a range of estimates of loss of jobs.

The Standards & Technical Committee of the A.I.A. already is at work gathering from members of the Association information on current progress toward dust reduction, opinions concerning feasibility of the three fiber standards and estimates of current and projected capital and operating costs. This committee and its individual members will constitute a valuable resource for our industry consultant. Because converters, applicators and other users of asbestos products are numerous, it is anticipated that data pertaining to them will have to be obtained by contacting only a representative sample. Fortunately, several members of the Association have volunteered to make available to our consultant on a full-time basis a limited number of experience-qualified employees to assist him in his tasks of interviewing and of gathering and collating information.

For anti-trust and competitive reasons, all personnel working on the feasibility-economics phase of the project will be instructed not to convey individual company information from one participant to another, to report opinions anonymously wherever appropriate, and to present numerical data by industry segment or other generalized categories or in summary, average or range of estimate form.