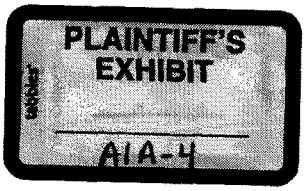
ORIGIN



AFFIDAVIT OF ROBERT C. COHEN

STATE OF PENNSYLVANIA)
) ss.:
COUNTY OF PHILADELPHIA)

ROBERT C. COHEN, of full age, upon his oath, deposes sand says:

1. I am principal in the firm of Knipes Cohen Associates , a shorthand reporting service located at 400 Market Street, Philadelphia, Pennsylvania.

2. In 1978 Knipes Cohen Associates was designated as the official repository for documents of the Asbestos Textile Institute.

3. In February 1980 the deposition of Doris Fagan, executive secretary of the Asbestos Textile Institute, was taken at the offices of Knipes Cohen Associates.

4. Ms. Fagan produced at her February 1980 deposition the originial minutes of ATI meetings as maintained by her as executive secretary of the Asbestos Textile Institute.

5. From the date of that deposition, I have been custodian of records of those originial minutes.

6. The originials of the ATI minutes have remained in the drawers at the offices of Knipes Cohen Associates under my direction since Ms. Fagan's deposition of February 1980.

7. Whenever copies of those minutes are requested by a party to the asbestos litigation, they are xeroxed by Knipes Cohen Associates' employees under my direction and are certified.

8. The copies of the ATI minutes which I have provided are indicated as Exhibit "A" and are true and accurate copies of documents identified by Doris Fagan at her deposition on September 9, 1980.

9. There have been no additions to, deletion from or alterations to the documents as identified by Ms. Fagan on Septemebr 9, 1980.

ROBERT C. COHEN

Sworn to and subscribed before
me this 4th day of October, 1988

ALYSSA CARRINGTON
Notary Public Phila. Phila Co.
My Commission Expires Dec 3 1989

AIA 1

ASBESTOS TEXTILE INSTITUTE

General Meeting

June 7, 1973
Key Bridge Marriott, Arlington, Virginia

In Attendance

UNITEX CORPORATION W. Maaskant M. J. Scanlan H. R. Walter	BELL ASBESTOS MINES LTD. W. R. Smith
GERLOCK INC. S. G. Dixit A. Kuzmuk	LAKE ASBESTOS OF QUEBEC LTD. E. A. Farrell R. Lefebvre C. E. Stiefken (Asarco)
JOHNS-MANVILLE CORPORATION C. G. Guerin T. P. Jackson J. P. Power (C.J-M) W. B. Reitze M. C. Streib	MANUFACTURAS MULTIPLES S.A. R. Arnal Olivo
NICOLET INDUSTRIES, INC. E. W. Russell J. R. Whittaker	CARMICHAEL, WITHERSPOON & CASE E. J. Leff
H. K. PORTER COMPANY, INC. E. C. Bratt D. E. Childers J. W. Echard L. E. Moody	AMERICAN SOCIETY FOR TESTING AND MATERIALS P. O. Nicodemus
RAYBESTOS-MANHATTAN, INC. M. M. Brooks J. W. Frampton, Jr. J. W. Hawkins R. T. Matthew M. Q. Scovcroft I. H. Weaver	ASBESTOS TEXTILE INSTITUTE D. M. Fagan, Executive Secr
UNIROYAL, INC. W. D. Bittinger D. E. Carden L. F. Dieringer D. A. Morris	GUESTS OF THE A.T.I.
ASBESTOS CORPORATION LTD. P. E. Leclerc	Asberit S.A. Marchallo Gattanco Adorno
	Asbestos Information Associ. North America Matthew M. Fwetenic
	Industrial Safety Equipment Association Charles H. Sumvalt, Jr.
	U.S. Bureau of Mines Robert A. Clifton

Total attendance during the two-day meeting was 46 people, incl: 10 women and 36 men - representing 15 companies or associations.

M I N U T E S

1. The General Meeting of the Asbestos Textile Institute was c to order by President M. G. Scowcroft at 1:00 P.M., June 7, 19

2. President Scowcroft welcomed the members and guests in atte dance and introduced four guests; namely, Matthew M. Swetonic, Executive Secretary, Asbestos Information Association/North Am Marchello Cattaneo Adorno, Asbarit S.A.; Robert A. Clifton, Di of Nonmetallic Minerals, U.S. Bureau of Mines; and Charles M. walt, Jr., Secretary/Treasurer, Industrial Safety Equipment Association, and member of its Safety Wearing Apparel Product

3. Following past tradition, President Scowcroft asked each me in attendance to rise and state his name and company affiliatic

4. President Scowcroft called for the reading of the minutes of last stated General Meeting. It was moved by A. Huzmuk, second by T. P. Jackson, and so carried, to dispense with the reading same.

5. Treasurer E. A. Morris presented the Report of Funds of the Institute as of April 30, 1973. C. F. Stiefbon moved the repor accepted. The motion was seconded by S. G. Dixit and so voted, unanimously. A copy of the full Report is attached to these Minutes.

6. In the absence of W. D. Alcorn, the Legal Counsel address wa given by Eugene J. Leff of Cadwalader, Wickersham & Taft. The text of his report is attached hereto. Mr. Leff discussed two cases -- one concerned with the illegal division of the market, and the other noting a connection between anti-trust violations the private exercise of governmental power.

7. W. H. Smith, Technical & Sales Representative, Bell Asbestos Mines Ltd., delivered the Fibre Producers' Report (see attached Mr. Smith stated that crudes and ultra-long spinning fibers con to be in short supply but medium and short spinning fibers from Grades 3F to 3K are in fair supply from most producers. No cha in these grades is foreseen for the remainder of this year and change in the situation is not indicated, at the present time, 1974.

8. Pursuant to calling for Committee Reports by the respective Chairmen, President Scowcroft advised that C. G. Guerin had replaced I. Barnett on the ATI Technical Committee.

9. The following reports of ATI activities at the Committee leve were presented by the respective Chairmen to the general mem A copy of each Report is attached hereto, i.e.:

Air Hygiene & Manufacturing - R. R. Carson, Chairman;
Asbestos Advisory - E. W. Russell, Chairman;
Technical - J. W. Dehard, Chairman;
Fiber Research & Testing - C. E. Stiefken, Chairman;
Environmental Health - L. F. Dieringer, Chairman.

10. It was related by President Seaverft that recent technol breakthroughs in basic yarn production techniques have influe the Institute to seek wider representation in its membership. was reported that as a result, the ATI Board of Governors had approved a change in the Constitution and By-Laws of the Inst involving Associate Membership requirements. Article III, P graph 2(c) of the Constitution has been revised as follows: " weavers of asbestos-containing fabrics and tapes, for resale such, who do not manufacture the asbestos-containing yarns us same, shall be eligible for Associate Membership in this Inst.

11. President Seaverft referred to the new identification ca that had been given to each member in attendance, asking that be returned to the Executive Secretary for use at future meeti

12. As stated by President Seaverft, there seems to be some d culty with the postal process in that some reservation cards a arriving at ATI headquarters. In an endeavor to avoid undue pr at future meetings, it was advised that each member who makes reservation with the Executive Secretary would receive a brie acknowledgment within approximately ten days' time. If same d not arrive in due course, it would be well to so advise the Se tary.

13. The next General Meeting of the Lakeside Textile Institute be held:

October 3-5, 1973
Sycamore Harbor Club, Harrisport, Massachusetts

Guest Speaker will be Dr. J. Corbett McDonald, Epidemiologist, McGill University, and Medical Adviser to the Quebec Asbestos ing Association.

14. President Seaverft advised that every effort is being mad oblige the wishes of the membership-at-large by scheduling, wh ever possible, future General Meetings of the Institute so that they end on Fridays. Beginning in 1974, future meetings will February 7-8, 1974, at the Mills Hyatt House, Charleston, South Carolina; June 6-7, 1974, at Ryan Bridges Marriott, Washington, D.C.; September 25-27, 1974, at The Cloister, Sea Island, Georg February 6-7, 1975, at Holiday Inn-Independence Mall, Philadelp Pennsylvania. Tentative future meeting sites include Ponte Ved Club, Ponte Vedra Beach, Florida, in October 1975 and the Marri in New Orleans, Louisiana, in February 1976.

15. Before introducing the Guest Speaker, President Seaverft r ferred to five booklets that were distributed prior to calling

meeting to order. Just off the press, the booklets were pub by the AIA/NA and are entitled: The Asbestos Information Asso tion/North America, What Asbestos Is--How And Where It Is Us Asbestos And Health, Questions and Answers--Asbestos And Hea and Protecting The Asbestos Worker. Single copies of the boo are available from the AIA/NA, 22 East 40th Street, New York, York 10016 (bulk rates on request).

16. President Scowcroft introduced the Guest Speaker: Matthe Gwatonic, Executive Secretary, Asbestos Information Associati North America. Mr. Gwatonic (whose profile is attached) disc the AIA/NA, its formation, its history and the work it is doi behalf of the asbestos industry in the United States. He als talked about the impact of OSHA and EPA regulations to contro amount of asbestos dust in the atmosphere. He discussed the tion: Why has the Asbestos Industry been singled out by gover the press and various conservative groups? He stated that th industry is passing through a crisis period in the U.S. and t closer ties between trade associations would be beneficial. Gwatonic advised that he has been talking with the press abou asbestos and health since 1968 and that out of 150-175 reporte only 2 were over 35. We are dealing with a young and idealis group, he said. From a survey taken of the awareness and att toward the use of asbestos, it was discovered that asbestos i relatively unknown to the general public. The situation chan little between urban and rural areas. It was interesting to n that the survey indicated that those in the 18-25 age bracket little about asbestos but that awareness increased in those in viewed who were between 40 and 45 years of age. A copy of Mr. Gwatonic's presentation, in its entirety, is attached to these Minutes.

17. There being no further business to be brought before the membership, the meeting was adjourned at approximately 3:30 P. as per a motion by R. A. Farrell, seconded by P. A. Morris, an unanimously approved by the attending members.

Respectfully submit

Doris H. Fagan

Doris H. Fagan,
Executive Secretary

NOTE: Enclosed herewith is your copy of the Constitution and Laws of the Asbestos Textile Institute, revised as of June 6, 1973. Paragraph 2 of the By-Laws (page 7) is subject to approv by the Internal Revenue Service.

ASBESTOS TEXTILE INSTITUTE — Report of Funds as of April

Balance on Hand January 2, 1973 --		
General Fund	$ 1,396.33	
Reserve Fund	9,988.90	
Petty Cash Fund	100.10	
Total on Hand		$
Receipts		
To Reserve Fund --		
Interest adjustment to 12/31/72	$ .01	
Dues for Year 1973	14,250.00	
To General Fund --		
Book Sales	115.29	
Insurance Credits	37.00	
Total Receipts		$ 14
		$ 25
Disbursements		
Rental of Office Space (5 months)	$ 270.00	
Telephone (4 months)	135.97	
N.J. Employment Tax (4th Qtr 1972)	33.75	
Federal Income Tax (4th Qtr 1972)	78.00	
Federal Unemployment Tax (Year 1972)	15.00	
Federal Income/FICA Taxes (1st Qtr 1973)	162.62	
Pa. Unemployment Tax (1st Qtr 1973)	3.25	
Pa. Income Tax (1st Qtr 1973)	12.00	
Secretary's Net Wages (4 months)	500.00	
Insurance for New Office quarters	145.00	
Postage, Printing, Office Supplies, etc.	210.00	
Revision of Fibre Cost Manual	20.00	
Legal Services & Expenses (4th Qtr 1972)	807.40	
Secretary's Travel Expense (2/72 meeting)	175.10	
Petty Cash Vouchers 501-15	22.05	
Total Disbursements		$ 3,
		$ 21,
Miscalculation from last Statement		
BALANCE ON HAND APRIL 30, 1973		$ 21,
Funds as of April 30, 1973 --		
General Fund	$ 1,462.36	
Reserve Fund	19,846.61	
Petty Cash Fund	7.95	
TOTAL AVAILABLE FUNDS		$ 21,
Assets as of April 30, 1973 --		
Total Funds as listed Above	$ 21,316.92	
Accounts Receivable (Book Sales)	6.00	
Furniture & Equipment (nominal value)	1.00	
TOTAL ASSETS		$ 21,
TOTAL LIABILITIES		
TOTAL NET WORTH		$ 21,

Respectfully submitted,
Doris M. Hagan

Fibre Producers' Report

[Presented at ATI General Meeting, June 7, 1973, at Key Bri
Marriott, Arlington, Virginia]

There has been an increasing demand throughout the world in
for a number of fibre grades, notably in 4 Group and 7 Grou
After the fall-off in 1972 in 5 and 6 Group fibres, this ma
has begun to recover, although not to the same extent as th
previously-mentioned 4 and 7 Groups.

Of main interest to members of the A.T.I. are the spinning
Group 3 grades. Crudes and ultra-long spinnings continue
in short supply, but the medium and short spinnings in the
3Z range are in fair supply from most producers. No shortag
foreseen in these grades during 1973, although individual p
cers may be tight in some specific gradings.

There are no indications at present that there will be a ma
change during 1974 in spinnings; however, in short fibres,
current oversupply of 6D fibres may be closer to balance nex
year.

One or two new mines in Canada are scheduled to come into pr
tion in 1975, but there is no likelihood that they will prod
any spinning fibres. The same is true of new sources in
Australasia.

Walter F. Smith
Technical & Sales Represen
Bell Asbestos Mines, Ltd.

M I N U T E S

AIR INTERIM & MANUFACTURING COMMITTEE

Asbestos Textile Institute
June 7, 1973 - - Key Bridge Marriott, Arlington, Virgini

The Committee met with sixteen members and guests in attendan representative of ten companies, as follows:

Amatex Corporation
E. H. Walter, Morristown, Pennsylvania

Asbrit S.A.
M. Cattaneo (Adorno), Rio de Janeiro, Brazil

Cadwalader, Wickersham & Taft
E. J. Leff, New York City

Canadian Johns-Manville Company Ltd.
J. P. Power, Asbestos, Quebec

Garlock Inc.
S. C. Dixit, Palmyra, New York

Johns-Manville Corporation
C. G. Guerin, Manville, New Jersey
W. B. Reitze, Denver, Colorado

Lake Asbestos of Quebec Ltd.
E. A. Farrell, New York City
R. L. Lefebvre, Black Lake, Quebec

H. K. Porter Company, Inc.
R. C. Brett, Charlotte, North Carolina
L. D. Moody, Charlotte, North Carolina

Raybestos-Manhattan, Inc.
R. T. Matthew, North Charleston, South Carolina
I. H. Weaver, Manheim, Pennsylvania

Uniroyal, Inc.
W. D. Mittinger, Winnsboro, South Carolina
R. E. Gordon, Hogansville, Georgia
L. F. Dieringer, Middlebury, Connecticut

The meeting included discussions in the following areas: dust (fiber) counts improvements, special chucking, etc.; and recent experiences with OSHA inspections.

When taking dust counts, one company now is using a method of placing the filter intake valve near the person's mouth and nos

and in some cases will use two units with the second on the employee's shoulder.

Also, it was pointed out, again, that the height of the per being checked has some bearing on the dust count. Dust on samples, when checked by different people, shows a differen a variation of as much as 5 to 1 and an average of 40% vari plus or minus, with more variation on higher counts.

Spacing of equipment using a larger area and using a second to recirculate the air has shown some reduction in dust cou When stripping cards, use hoods placed as low as possible o the area and strip with a brush attached to a vacuum. Some utilize the Abington system when stripping cards.

One plant reported the use of a light spray (T-D-X) on mixes roughly 2%, while another plant sprays carrier only with a m of water and ban-set. Both plants report some reduction in as a result of using the sprays.

In a recent plant inspection by OSHA, one company received s fines for the following items:

1) Some employees with no respirators;

2) Company had not provided protective clothing in required areas;

3) Citations resulting in two $700.00 fines for exceeding five (5) fibers in one area and a time-weighted average of over ten (10) fibers in another area.

In some recent cases the OSHA Agency has reduced dust counts 25% before actually issuing a citation. Some plants are usin rental uniforms and lockers both furnished by the rental unif people. The uniforms, two per employee each week, averages $ $2.50 weekly.

In most cases the rental uniform is a short-sleeved shirt and pants only, and this has been acceptable.

Respectfully submitte

Buel T. Carden, Chair

M I N U T E S

ASBESTOS ADVISORY COMMITTEE

Asbestos Textile Institute
June 7, 1973 -- Key Bridge Marriott, Arlington, Virginia

IN ATTENDANCE:

E. W. Russell, Chairman
T. P. Jackson
A. Nusmuk
M. J. Scanlan
H. Q. Seaverofft
D. M. Fagan, ATI Executive Secretary
E. J. Loff, ATI Legal Counsel

The Board of Governors of the Asbestos Textile Institute took action at its September 1972 meeting to change the Institute's Constitution and By-Laws. The change permitted weavers of asbestos-containing fabrics and tapes, for resale as such, who do not manufacture the asbestos yarns used in same, to be eligible for Associate Membership. In light of this action, the Asbestos Advisory Committee was requested to determine a method of extending membership.

After considering several alternatives, the Committee accepted the offer of H. Q. Seaverofft to prepare a news release for insertion in the July 1973 issue of Asbestos magazine. The release will state the by-law change and will publicly extend membership to those qualified and interested. T. P. Jackson of Johns-Manville Corporation will serve as Membership Chairman.

Respectfully submitted,

E. W. Russell, Chairman

M I N U T E S

TECHNICAL COMMITTEE

Asbestos Textile Institute
June 6 & 7, 1973 - - May Bridge Marriott, Arlington, Virgi

IN ATTENDANCE: J. W. Hawkins, Raybestos-Manhattan, Inc.
H. Merchant, Armtex Corporation
P. O. Nicodemus, General Electric Company/ACC
C. G. Guerin, Johns-Manville Corporation
J. W. Rehard (Chairman), H. K. Porter Company, I

Carl G. Guerin, of Johns-Manville Corporation, was welcomed as new member of the ATI Technical Committee, replacing Irvin Sher

A special meeting of the Committee was held on June 6th to revi the ASTM Standards for Yarn, Roving, and Lap. The Committee's proposed statements on precision and accuracy were approved by the Editorial Committee of ASTM D-13 as being editorial. However the statements were rejected by the ASTM Standards Editor who sp cified they must be put to letter ballot after assigning a sche for inter-laboratory testing. The samples of yarn, roving and l will be analyzed by Raybestos-Manhattan, Inc., Armtex Corporati General Electric Company, Garlock Inc. and H. K. Porter Company, Inc. Testing should be completed prior to the Spring 1974 meeti

The Johns-Manville tumbler-test procedure was discussed as a me to determine the relative dustiness of various asbestos product J. W. Hawkins will determine if this equipment is available for ATI evaluation. The feasibility of building a similar tester al will be considered.

ASTM Subcommittee D13.14 has been requested by the U.S. Navy to change D-315 Asbestos Tapes to conform with Federal Specificatio HH-T-1781 so it may be used for direct procurement purposes. Re vision would require the addition of a quality assurance provisi a section on packaging and an obsolete table on tape styles. Th ATI Technical Committee feels that this information should not l included in a "Material Specification." P. O. Nicodemus will re view the objectionable items with ASTM before replying to the Na

A draft of proposed Military Specification MIL-I-3053?--"Insula- tion, Electrical, Asbestos-Fiber, Treated and Untreated" was submitted for approval. The Chairman was instructed to request extension for comments until after the October 1973 Committee me ing.

Respectfully submitte

J. W. Rehard, Chairm

M I N U T E S

Fiber Research & Testing Committee

Asbestos Textile Institute
June 7, 1973 -- Key Bridge Marriott, Arlington, Virgi

IN ATTENDANCE:
W. C. Cecil, Johns-Manville Corporation
W. H. Crich, Bell Asbestos Mines Ltd.
D. E. Childers, H. K. Porter Company, Inc.
C. E. Stiefken (Chairman), American Marking & Refining

The meeting was totally devoted to discussions of the progra the 3rd Edition of the Chrysotile Asbestos Test Manual.

It was noted that the ACPA (Asbestos Cement Products Associa has become defunct and all references to that organization been removed from the new manual.

It was decided that for future test deletions, a substitute would be inserted into the manual, containing the previous t number with an explanation of the reason for deletion. It w be indicated that the test could be obtained from ATI, if required.

Since ACPA is defunct, the ATI has, for the record, agreed to sponsor an original ACPA test -- Strength in Asbestos Cement Products, T-3.

Test G-2, Dall Magnetic Rating, has been approved for sponsors by the ATI.

The Test Manual has been assembled in rough form, requiring t editorial changes. This draft will now be reviewed by the F Fiber Research & Testing Committee. Upon approval, the draft will be submitted to the printer for a reasonably-accurate es estimate. All original typing, sketches and photographs will then be assembled for printing, hopefully by the end of this summer.

It will be helpful for the membership to submit copy requirements to Doris Dugan as soon as possible.

Respectfully submitted

C. E. Stiefken, Chair

M I N U T E S

Environmental Health Committee

Asbestos Textile Institute
June 7, 1973 -- Key Bridge Marriott, Arlington, Virginia

No formal meeting of the Committee was held, and the three mem sat in on the discussions of the Air Hygiene & Manufacturing Committee.

As of meeting time, the following is the status of various pro posed OSHA occupational health standards which are of interest member companies:

1) Noise -- A Department of Labor Standards Advisory Comm tee is meeting periodically to consider this standard. A its meeting in Boston on May 21, 1973, the American Confe ence of Governmental Hygienists (ACGIH) recommended the adoption of a notice of intent to change the Noise Thresh Limit Values to 85 dBA for an 8-hour-a-day, time-weighted exposure. At the OSHA Standards Advisory Committee meeti in Washington, D.C., on May 30, 1973, Dr. V. H. Mildvard, Committee Chairman, stated that the level of exposure to noise for employees will probably remain at 90 dBA.

2) Heat Stress - ACGIH also recommended at its Boston mee the adoption of the Heat Stress Threshold Limit Values wh were published as a notice of intent in 1972. It differs slightly from those recommended by NIOSH in its criteria package in that permissible work-rest regimens are specif The status of the proposed standards is clouded by recent criticism that the "WBG" index is not an adequate indicator of heat stress. Proposals have been made that sweat rate and heart rates are more indicative of heat stress.

Recent articles of interest from the Annals of Occupational Hy giene, Volume 16, 1973, house organ for the British Occupational Hygiene Society, are:

1) Pages 1-5, Hygiene Standards for Airborne Crocidolite Asbes tos Dust - "The Subcommittee (on Asbestos) has reviewed th information on human exposure to airborne crocidolite dust and animal experiments. The subcommittee believes it has insu ficient knowledge of the relationship between airborne crocidolite dust exposure and the risk of asbestosis to permit an accurate statement of the degree of protection afforde by a specified hygiene standard. Nevertheless, on the bas of comparisons between the effects of Amosite and Chrysoti dust on man and animals, it is recommended that the stand on Amosite should be no less stringent than those for Chry tile."

2) Page 7, Review of the Hygiene Standard for Chrysotil Asbestos Dust - Based on information of Quebec mainly a

morbidity data, no new reported adverse comments and ini
tion of new studies not available for a number of years,
subcommittee on asbestos stated, "It is therefore recomm
that no changes be made at the present time, but that th
standard be kept under review."

3) Pages 9-17, Biological Effects of Cancer - Report of
Advisory Committee on Asbestos Cancers to the Director o
International Agency for Research on Cancer - Report div
into two parts, the first a question-and-answer section
devoted to the latest thinking on the relation of asbest
exposure and cancer, and the second to recommendations f
future research in epidemiology, pathology and physics a
chemistry of asbestos-related cancer.

Respectfully submitted

L. P. Dieringer, Chai

REVISION OF COMMENTS

Asbestos Textile Institute General Meeting
June 7, 1973, Arlington, Virginia

At the February General Meeting in Atlanta, Randall Nixon pres to you remarks of counsel dealing with illegal divisions of territory among competing sellers. The cases he referred to th dealt with explicit agreements in which the map was carved up a the selling companies involved on the principle of "one region one company". The decided cases have held such agreements to b unlawful, with a few limited exceptions.

A recent case has focused attention on the division of markets the agreement or plan is not clearly spelled out. In Hobart Bro Company v. Malcolm T. Gilliland, Inc., 471 F.2d 894 (5th Cir. 19 cert. denied, 41 U.S.L.W. 3642 (May 29, 1973), a distributor of welding equipment was assigned by the manufacturer "primary responsibility" for distribution in Northern Georgia. The natu commercial instincts of the firm, however, led it to begin sell in Tennessee, which was not only outside the Northern Georgia territory, but was within an area supplied directly by the manu turer. Eventually, the distributorship agreement was cancelled the manufacturer, and the distributor sued the manufacturer, charging an illegal division of territories.

The defense emphasized the absence of a written contract prohib ing the distributor from selling in any particular area. There been such an agreement years earlier, but counsel had remedied problem by drafting new contracts assigning "areas of primary responsibility", which did not on their face limit sales elsewh

The courts nevertheless held the arrangement to be illegal. The Fifth Circuit Court of Appeals stated that "A tacit understandi can be shown by the course of conduct of the parties." The chie damaging evidence was an inter-office memo from the Tennessee di trict representative of the manufacturer to the home office whic reported the distributor's sales in Tennessee and urged the manu facturer to "counter" by selling directly in the distributor's territory, Northern Georgia.

One of the important teachings of this case is that compliance w the antitrust laws - whether the issue is prices, distribution schemes, refusals to deal with certain companies, or any other sensitive trade regulation matter - is not achieved by merely avoiding the obvious, spelled out forms of transgression. Care must be taken not to lessen competition indirectly or through unexpressed understandings as well.

Having mentioned violations of the law through more devious means which seems to be appropriate at this gathering, so close to the Watergate building, I would like to note another connection be tween antitrust law and politics.

ABOUT THE SPEAKER

The names Matthew M. Swetonic and Asbestos Information Association/North America are synonymous. It was Matt who developed the original AIA/NA Prospectus in the Fall of 1970 and who prepared the presentations for both the introductory and the organization meetings.

Upon J-M's decision to move its corporate headquarters to Denver and Matt's electing not to make the move, he was employed as AIA/NA's first full-time Executive Secretary. For the first three months of 1972 he handled two jobs: Manager of Environmental Affairs for J-M and Executive Secretary for AIA/NA. During this time he organized the industry effort for the EPA and OSHA hearings and wrote for others or presented himself six major presentations in a period of 45 days, a record which he states he hopes he "will be never asked to break."

Matt is 30 years of age and is married. He is a native New Yorker, was reared in Easton, Penna., and now resides in Manhattan. He holds a B.A. in Creative Writing and an M.S. in Journalism.

Following a tenure as Feature Writer for The Easton Express, he joined J-M in July 1965 as Associate Editor of News/Pic, an employee magazine. He was promoted to Editor in January 1967 and one year later was named Coordinator, Special Projects. This is the job that granted him the expertise to superbly fulfil his duties as Executive Secretary of the AIA/NA as the major responsibilities included writing J-M asbestos-health position papers, preparing speeches on asbestos-health for top J-M executives, working with J-M public relations counsel and learning asbestos-health literature backwards and forwards.

WHY ASBESTOS ?

A Presentation Before the
Asbestos Textile Institute
Arlington, Virginia - June 7, 1973

By: Matthew M. Swetonic, Executive Secretary
Asbestos Information Association/North America

I am sure that many of you have asked yourselves, as I have as myself, why has the asbestos industry seemingly been singled o as the prime target for so many assaults by government, labor the press, certain segments of the medical profession, and by various environmental and consumer activist groups?

Why us? Can asbestos really be all that bad? Are the product produce truly going to kill millions of Americans, as some exp have predicted? Or is there some sort of nefarious conspiracy afoot to destroy the asbestos industry?

The answer to the question of "Why us" is both complex and sim Complex because it is a combination of three interrelated but separate factors. Simple because each of the factors is, when considered by itself, quite obvious.

The three factors are (1) asbestos can cause disease, (2) a spo man arose to champion the need for asbestos control, and (3) a cornucopia of new government agencies were set up to control materials and products that can cause disease. Let us look at each of these factors in turn.

First, there is no doubt that the inhalation of substantial amo of asbestos can lead to increased rates of various types of lun disease, including two forms of cancer. These are facts which not be denied, even if they do not apply in all circumstances under all conditions. The medical literature is full of solid dence linking asbestos to disease. In my office, I have on fil more than 2,000 medical papers dealing with the health risks o asbestos and hundreds more are published every year.

Secondly, the spreading of concern over the health risks of ast tos has as its prime spokesman one of the most talented medical publicists of the age -- Dr. Irving J. Selikoff of New York's Sinai Hospital. Not only is Dr. Selikoff capable of arousing t ire and moral indignation of the most conservative reporter or politician with his graphic descriptions and predictions of the ravages of asbestos, but he has also surrounded himself with a group of similarly talented associates who have carried the Mou Sinai message to the far corners of the nation.

While Dr. Selikoff has, in his zeal, unquestionably painted a f darker picture than the facts warrant, we should always remembe in his defense that the insulation workers he has been studying

more than a decade were and still are dying from asbestos rel
disease at an appalling rate. Such a situation would be suff
to make a crusader out of the most conservative of scientists

Finally, in the past decade there has been a tremendous growt
public and governmental interest in environmental and occupat
health matters. This interest has been translated into a seri
of far-reaching laws affecting industry in a manner hitherto
unknown in this or any other country. I believe it is accurat
say that these new laws, such as the Occupational Safety and
Act, the Clean Air Act, the Consumer Product Safety Act, and c
have forever altered the concept of the free enterprise syster
was known in this country for a hundred and fifty years.

Thus, in combination, these three factors created a situation
which a cadre of freshly created federal agencies, with strong
statutory authority, were prodded into assigning priority stat
asbestos by Dr. Selikoff and his followers, who achieved these
through skillful use of the great wealth of negative asbestos-
data contained in the medical literature.

In short, the asbestos industry was singled out because it was
vulnerable to attack, because there was someone willing to lea
attack, and because Congress had graciously provided the vehic
for such an assault.

The background of industry efforts to deal with the asbestos-h
problem as a national issue goes back nearly a decade, to Dr.
Selikoff's now famous 1964 seminar on asbestos disease at the
York Academy of Sciences. While this seminar did much to prick
industry's conscience about asbestos and health, the problem st
remained one of limited public and press interest until around
1967, when the media began beating the medical bushes searching
stories that would graphically portray American industry's supp
disregard for the environment and for the health and safety of
workmen and the American public. The asbestos-health problem
found to be tailor-made for such stories. As a result, startin
with Paul Brodeur's infamous New Yorker article of March 1968,
asbestos has since grown into an item of major press interest.

In those years, industry efforts to combat the spate of negativ
press articles on asbestos were carried on primarily by the Joh
Manville Corporation, which set up a task force of specialists
various fields to do what it could to portray the problem in it
proper perspective. While some minor successes were achieved,
was found that no one company acting independently could adequa
or effectively represent an entire industry in dealing with the
press and with government officials.

As a result, in late 1970, eight companies gathered in New York
to launch the Asbestos Information Association of North Americ

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which was patterned after the British Asbestos Information Com
tee, which had been established some three years earlier.

In our original concept, the Association would limit its activ
to providing accurate, unbiased information on asbestos and he
to the press, to the public and to interested politicians and
government officials. It must be remembered that at this part
lar time, the enormous problems that would later develop with
regard to OSHA and other Federal regulatory agencies were as y
the distant horizon and basically unrecognized by the industry

Fortunately -- and properly -- the Association has had the wis
to alter its original limited concept of its proper functions.
now endeavors to assume whatever activities and responsibiliti
deems necessary to protect the interests of the asbestos manuf
turing industry in the United States vis-a-vis asbestos-health

From this rather narrow initial public relations concept, the
Association has grown in the last two years into an organizati
with priorities in eight major fields of endeavor. These are:
Medical Affairs, Legal Affairs, Environmental Control, Custome
Relations, Employee Relations, Inter-industry Relations, Publi
and Public Relations, and Government Affairs.

To take these activities one at a time, let us start with medic
affairs.

It is an obvious fact that if an organization is to speak authc
tatively on a medical matter, it must not only be steeped in t
literature of that particular medical subject, but it must alsc
keep itself constantly informed of new discoveries and develop
This we have accomplished in a number of ways. For example, by
sending representatives to important medical meetings, such as
1972 Lyon, France, international conference on the biological
effects of asbestos, which was sponsored by the World Health O
zation.

We also meet on an irregular basis with various medical expert
the field, both from the United States and abroad, to review a
discuss recent developments and discoveries.

Our literature research is eased considerably by receiving the
monthly medical paper distribution of the Institute of Occupat
and Environmental Health in Montreal, which is funded by the C
Asbestos Mining Association.

This year, for the first time, the AIA has elected to sponsor
medical research of its own. Currently underway is a complete
AIA/MA funded study of chest sounds, which is being conducted
Dr. Raymond Murphy of the Harvard School of Public Health. Th
purpose of the study is to find a new method of determining an
individual's potential susceptibility to asbestos disease.

The Association has also recently decided to contribute to sc exciting research into a possible cure for mesothelioma throu electromotive treatment. This study is being conducted at S Hospital in New Jersey.

In the legal affairs area, the Association participated in an amicus curiae capacity in the law suit brought by the Indust Union Department of the AFL/CIO against the Occupational Safe Health Administration on the asbestos standards. In our brie Association supported OSHA against the IUD, somewhat of a uni position for an industry to find itself in vis-a-vis a govern regulatory agency. Oral argument on the case was held April Washington. While a decision has yet to be handed down by th of Appeals, we are confident that the case will be decided in favor.

The Association has retained the services of a special techni consultant on environmental control affairs. At the present he is working with the AIA/NA Environmental Control Sub-Commit on the development of a series of five Association compliance manuals on the OSHA standards.

Last year, because of the well established unreliability of th membrane filter method as a monitoring tool in the asbestos industry, the AIA undertook the sponsorship of a study at a research laboratory in California to determine the effect of c variables on the overall accuracy of the method. The results the study showed an error factor of plus or minus 50 per cent the most favorable of measuring conditions. These results wer to both OSHA and to the National Institute for Occupational Sa and Health. A number of the recommendations contained in the for improving the accuracy of the method have been incorporate a soon-to-be-released revised NIOSH operations manual on fiber counting.

In the customer relations area, the total effect of negative p publicity and government regulations on industry customers is today rather poorly defined. Some members of the Associatio reported serious problems in this area, while others have experienced few or no difficulties thus far.

Where customer problems do exist, they normally fall into one five categories.

First, the customer has thoroughly investigated his situation has found that he can no longer afford to continue using asbes or asbestos-containing products, either because the cost of control is too high or because he would have to raise the pric his product to a level that would make it non-competitive with non-asbestos containing substitutes.

Second, the customer has not thoroughly investigated his situa and only thinks that he can no longer afford to continue using asbestos.

Third, the customer has read one or more negative articles on asbestos in the public press and has made the snap decision th "we ought to get that dangerous stuff out of our plant." Ofte decisions of this nature are forced on top management by ill- informed medical advisors or safety and health directors.

Fourth, the customer has neither a control problem nor is he p cularly afraid of using asbestos in his own plant. However, h fearful that those of his competitors whose finished products contain asbestos will stress the adverse health effects of asb in trying to take business away from him. Customer fears of t nature are essentially "gut" reactions and are hence extremely difficult to deal with.

Fifth, the customer has none of these problems or fears but he been advised by a government official or inspector that he woul better off if he quit using asbestos or asbestos-containing pr in his plant. While this problem does not appear to be widesp we have learned of a number of situations where it has occurred Actions of this nature by government officials are totally unc for and should be dealt with promptly and decisively. The best solution is to obtain complete details on the incident and then register a formal complaint with the offending official's immed superior or with the government agency involved.

The Association's first reaction to the overall customer relati problem was to approve funds for a series of four regional semi at which industry customers would be given a number of basic pr tations on the various aspects of the asbestos-health problem. seminars were tentatively scheduled for the Spring of 1973.

However, the experiences of a number of our member companies sh that general "catchall" type seminars of the type originally contemplated would not be effective in dealing with the majorit customer relations problems. In order to do the job properly, was found that customer presentations have to be tailored to th needs and problems of the individual customer.

As a result, the Association cancelled its scheduled series of seminars and instead elected to develop a number of packaged sl presentations on such topics as "The Facts About Asbestos and Health," and "Understanding the OSHA Regulations," which could used by member companies as part of a tailored presentation to individual customers.

As with customer relations, the Association feels that employee relations is a problem best handled by the individual member companies. Thus far, the AIA's sole contribution in this area c industry concern has been to prepare the draft of an Employee Sa and Health Guide on Asbestos-Health. The draft was made availab to the member companies for their own use and at least one has produced it in booklet form for distribution to all its employee

I personally believe that the employee relations aspect of the asbestos-health problem is one that has been sorely neglected most companies within the industry, and that it could develop a major problem area in the near future and that steps should taken now to deal with it. We know that various organized lab groups are planning a full scale campaign to bring their inter tation of the asbestos-health problem to the attention of asbe industry employees throughout the nation. If the industry per this interpretation to be disseminated without rebuttal, the consequences could be grave indeed.

Inter-industry relations are best defined as keeping the indus informed about important new developments on the governmental, medical and press relations fronts that affect asbestos. This accomplished within the AIA by periodic distributions of docum and information to the member companies and to others on our mailing list.

The value of this activity can be gauged by the fact that our overall mailing list increased from approximately a dozen name 1971 to more than 60 a year later. While we have had to trim list somewhat this year for logistical reasons, we assume from frequent requests we still receive to be placed on the list th the material we send out is being read and is of considerable value to those receiving it.

Next to government affairs, our public relations and publicity activities constitute the single largest consumer of time, effo and money within the Association. Those of you who are familia with the treatment that asbestos has been receiving in the publ press over the years can readily understand why this activity s so high on our priority list.

What you may not understand are the reasons why our extensive efforts in dealing with the nation's press have been so unsucce ful to date in producing the theoretical "balanced" or "positiv story on asbestos and health.

The simple fact is that from the standpoint of today's young activist reporter, industry is the bad guy, and nothing we do, or achieve can ever change this impression. If we spend $100 million dollars on environmental control, the press either says ought to have done it ten years ago or that we should have spen $200 million. If we sponsor medical research, they say we are trying to buy favorable results. If we are opposed to ridiculo stringent standards, they say we are in favor of letting our employees die.

A television executive in Minneapolis described this new breed reporter as being "so intent on demolishing the establishment t they would blindly destroy the credibility of the media in the gain." Another TV executive, this time in Chicago, stated "the

want to make moral and political and social judgments on their assignments and then take sides. Never mind getting the facts straight."

As a result of this "industry is a monster" philosophy, asbest will remain a hot news item only so long as the news is bad. "good" that asbestos does in protecting lives and property is no concern to the press. Likewise, industry efforts to protec workmen and the general public from asbestos exposure will als be given minimal coverage, since such information is directly contrary to the portrait of an irresponsible industry producin "killer" product that is the sole element of news worthiness i the asbestos story.

The press relations battle will therefore be won, not when the media starts to print positive or balanced articles about asbe but when the press ceases to print anything about asbestos at As long as negative news on asbestos-health continues to be generated, the media will continue to eat it up. The media wi only cease to carry such stories when the generation of negati news ceases. It is as simple as that. Positive or balanced stories are a chimera, since they are, by definition, not newsworthy.

Let me give you a very specific example of this last principle action. As most of you already know, the Association is curre engaged in an extensive campaign to interest the trade press i articles on the benefits of asbestos and on industry accomplis ments in the environmental control area. The trade press, unl the national or public media, is much more receptive to articl of this nature and we expect to be seeing a number of positive stories in the trade press in the next few months.

In any case, we also from time to time put out press releases various subjects relating to asbestos-health. A few weeks ago, issued a release on the report of the advisory committee on asbestos cancers of the World Health Organization. In brief, report concluded that the general public is not in danger from asbestos in the environment. Thus far, we have received nearl two dozen press clippings from trade publications that carried story. To the best of our knowledge, not a single newspaper, magazine, radio or TV station, or any other segment of the pub media ran the story, with the solitary exception of a French language paper in Toronto. As I said before, if the news is g the press simply isn't interested.

Nonetheless, the Association has no intention of abandoning ou efforts vis-a-vis the national media. We will continue to iss appropriate press releases, cooperate with feature writers doi stories on asbestos, write letters to the editor when those stories appear, and in short, do all we can to present the pre with a balanced view of the asbestos-health situation.

Our most recent effort in this regard has been the preparatio printing of an Asbestos and Health Information File, which we mailed to some 3,000 newspapers, magazines, trade publication radio and TV stations, science writers, etc., across the Unit States.

Basically, the file contains copies of five industry position papers on asbestos and asbestos-health, as well as a number o important medical papers and a pair of photographs illustrati the benefits of asbestos and industry efforts at environmenta control. While we don't expect our information file to chang whole attitude of the press toward asbestos, we are hoping th the media will make use of it to accurately report the indust position when doing stories on the subject.

And now, having heard the bad side of the public relations pr it's time for some good news.

And the good news is that despite all the negative articles or asbestos-health that have appeared in the press over the past dozen years, very few people have been paying attention. Let explain.

In February, the Association undertook a personal interview research survey of the American public to determine its attitu toward asbestos and its awareness of the health issue. The su was conducted by the Opinion Research Corporation during March April. More than 2,000 demographically selected Americans wer interviewed.

Without going into enormous detail, the results show that only per cent of the American public are aware of the health hazard asbestos, and that 80 per cent of these consider it a hazard o to those who are occupationally exposed. A mere three per cen of those interviewed stated that they considered asbestos a he hazard to the general public, and less than one quarter of one cent considered it the most dangerous material on the list the were given to choose from. Surprisingly, the college age yout of America are no more aware of the hazards of asbestos than t parents and grandparents.

These results should be reassuring to those industry customers fear that the general public will stop buying their products because they contain asbestos.

Before going on to describe our activities in the government relations area, I think it might be interesting at this point take a very brief look at the manner in which Dr. Selikoff and supporters have used his research results to dramatize and exaggerate the seriousness of the asbestos-health problem. I two charts which point this out rather conclusively.

The first chart shows the actual results of Dr. Selikoff's fo
mortality studies of asbestos workers. The numbers in parenth
beside the figures for total number of workers indicate those
have so far died from all causes. The percentage figures alo
the total number of deaths from asbestosis, lung cancer and
mesotheliona are based on the total number of deaths from all
causes, not on the number of workers in the study.

The most important study of the group is the second from the
showing the deaths from asbestos-related disease among all men
of the insulation workers union, regardless of length of expos
You will note that 34 per cent of those workers who have died
far have died from one of the three asbestos-related diseases.

These, then, are the facts Dr. Selikoff works from. This is w
he knows from his own investigations. Now let us take a look
what he has done with these figures in order to dramatize the
problem.

Chart number II shows Dr. Selikoff's predictions about asbesto
related deaths in the United States. Without going into detai
Dr. Selikoff has arrived at his projections by the simple proc
of multiplying the percentage of deaths from asbestos-related
disease among his insulation workers by the total number of
employees in the entire industry.

You will also note that he has raised his projected death esti
to enormous heights over the past year by simply increasing th
base figure of employees exposed, while still retaining the
percentage multiplier of 34 per cent being experienced by the
insulation workers.

I might point out that this tactic, however deceptive, has bee
enormous success since each raising of the estimate has earned
Selikoff correspondingly greater coverage by the media. No fi
example exists of the total gullibility of the press than the
manner in which it allowed its prejudices to be manipulated an
played upon in this situation.

Please don't get me wrong. I have no doubt that the insulatio
workers are in fact dying as rapidly as Dr. Selikoff says they
The problem is that he has translated their mortality experien
to the rest of the entire industry, which is completely errone

In the first place, the estimated number of employees in the
industry is too high -- five times too high to be precise. Ev
more important, according to an analysis by the Association of
more than a dozen mortality studies, including those of Dr. Se
koff, our prediction is that approximately 25,000 past and pre
employees in the asbestos industry have died or will eventuall
die of asbestos-related disease. This is less than one-thirtie

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CHART NUMBER I

DR. I. J. SELIKOFF --- RESEARCH DATA

	NO. OF WORKERS		DESCRIPTION OF COHORT	TOTAL PROMISCUOUS CANCER DEATHS
MORTALITY STUDY OF TWO LOCALS OF INSULATION WORKERS UNION	625	(423)	THOSE WITH A MINIMUM OF 20 YEARS EXPOSURE	149
MORTALITY STUDY OF ALL MEMBERS OF INSULATION WORKERS UNION	17,800	(1092)	ALL WORKERS ON ROLLS 1/1/67	368*
MORTALITY STUDY OF WORKERS IN A WORLD WAR II AMOSITE INSULATION PLANT	933	(484)	EXPOSED ONLY TO AMOSITE ASBESTOS	107
MORTALITY STUDY OF WORKERS AT JOHNS-MANVILLE CORP. MANVILLE, N.J., PLANT **	689	(198)	THOSE WITH A MINIMUM OF 20 YEARS EXPOSURE	66

* 348 OF THESE DEATHS WERE AMONG THE 5,119 EMPLOYEES WITH GREATER THAN 20 YEARS EXPOSURE

**UNPUBLISHED DATA TAKEN FROM ARTICLE IN THE NEW YORK POST, MAY 1972

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CHART NUMBER II

DR. I. J. SELIKOFF -- PREDICTIONS

	NO. OF WORKERS	DESCRIPTION OF COHORT	TOTAL D FROM ASBESTO LUNG CA MESOTHE
ARTICLE IN WALL STREET JOURNAL - 6/8/72 - "STUDIES BY DR. SELIKOFF... LEAD HIM TO PREDICT..."	250,000	ALL WORKERS CURRENTLY EMPLOYED IN THE ASBESTOS INDUSTRY	85
ARTICLE IN THE NEW YORK TIMES - 6/13/72 - (5 DAYS LATER) - "IF OUR EXPER- IENCES...ARE A GUIDE..."	500,000	ALL WORKERS CURRENTLY & PREVIOUSLY EMPLOYED IN THE ASBESTOS INDUSTRY	170,
TESTIMONY AT TOXIC SUBSTANCES HEARING - 2/21/73 - "OUR STUDIES INDICATE..."	1,000,000	ALL WORKERS CURRENTLY, PREVIOUSLY & WHO WILL BE EMPLOYED IN ASBESTOS INDUSTRY IN THIS CENTURY	340,
AP STORY ON TOXIC SUBSTANCES HEARING	1,000,000	(AS ABOVE)	1,000, (MIS-QU

ACTUAL QUOTED PREDICTION WAS 95,000, BUT THIS INCLUDED DEATHS FROM GI CANCER, WHICH I HAVE SUBTRACTED FROM THE TOTAL.

Page

of Dr. Selikoff's most recent estimate. In addition, our figur show that 20 of the 25,000 deaths -- or 80% -- will occur among those in the insulation trades.

While these estimates should be reassuring to those in the mini and manufacturing areas of the industry, we should not forget t 5,000 of our workmen are still going to die of asbestos-related disease and that, all things considered, there is absolutely nothing that we can do to prevent it. The only thing we can do to clean up our plants to assure that those entering the indust in the future will not have the same experience.

Within the past year and a half, the main thrust of Association effort has shifted to the government affairs front. The princi agencies in Washington with which we have been dealing are the Occupational Safety and Health Administration; the Environmental Protection Agency; the Food and Drug Administration; the Bureau Mines; and, to a lesser degree, the National Institute of Occupational Safety and Health, and the National Institutes of Health, both of which are mainly involved in research efforts.

In addition, a few weeks ago we were contacted by the Federal Tr Commission, which had received a petition from the Center for Science in the Public Interest requesting an investigation of consumer uses of asbestos for the purpose of determining whether certain products ought to be labeled as hazardous and whether warnings should be required on all advertisements for these pro- ducts. On the basis of a preliminary meeting with an investigat from the FTC it would appear that we have little to worry about this particular area.

The Occupational Safety and Health Administration has been of enormous concern to the industry over the past 18 months. As mo of you already know, the Association expended tremendous efforts during the six month period leading to the promulgation of last June's OSHA standards on asbestos. I think it is a gauge of the effectiveness of the total industry involvement in this most crucial matter that of eleven main requirements in the standards the industry position was accepted totally by OSHA on nine of th eleven, about fifty per cent on a tenth, and totally rejected on only one.

OSHA is now planning to redo the standard package and we are wor ing closely with them on this project. The first step will be th formation of a 15 man advisory committee to review the current standards and any additional medical and technical data that has become available in the year since the standards were promulgated

Working in cooperation with nine other trade associations we have selected four individuals as industry-wide recommendations to OS for the four so-called "employer" spots on the advisory committee

In discussing the formation of the advisory committee with Jo O'Neill of the OSHA Standards Development Section, we were as to add a couple of names to the list so that OSHA would have of a selection to choose from. This we have agreed to do.

The committee will be given up to nine months to complete its deliberations and prepare for OSHA a revised standard package This will be followed by public hearings, approximately a yea from now. We do not expect to see a new standard promulgated before the Fall of 1974.

It is of course impossible to determine at this time what the standards will look like, however, I would venture to say tha they will certainly not be less strict than the ones we have today, although they will probably be less confusing and leave less room for employer interpretation. Something will unquest tionably be done to improve the current difficulties with the monitoring requirements.

The main function of the National Institute for Occupational S and Health is to conduct research and to prepare so-called Cri Packages, which are essentially recommendations to OSHA for st dards on various materials, chemicals and activities. Such a package on asbestos was prepared by NIOSH at the time of the O proceedings last year. NIOSH will not be preparing a new or r criteria package for the upcoming review of the asbestos stand

I do not believe it would be unfair to say that of all the age cies in Washington dealing with asbestos, Dr. Selikoff has had greatest influence on the young idealistic scientists and docto at NIOSH. Consequently, industry influence is weakest in this agency. It was NIOSH, after all, that made the original recom dation for a two fiber standard in the United States asbestos industry.

Next to OSHA, the Environmental Protection Agency has the grea potential of any federal agency for adversely affecting the fu of the asbestos industry in this country. Not only is the EPA responsible for developing and enforcing air and water pollut standards, but the Toxic Substances Control Act, now pending i Congress, will also become an EPA function after passage.

For this reason, I am pleased to be able to say that the asbes industry has an excellent relationship with the EPA. No finer proof of this exists than the fact that there was not a single major industry recommendation made to the EPA at the public he ings on the proposed asbestos emission regulations that was no accepted either in toto or in principle in the final standards which were published in early April of this year.

We are presently working with the EPA on the development of wa water effluent standards for asbestos manufacturing plants. "

certainly hope that these standards will turn out to be as reas able as the air pollution regulations. The proposed effluent standards are scheduled to be published in the Federal Register sometime this Summer, to be followed by public hearings, with t final standards being promulgated in the Fall, perhaps as early October.

We are also planning, in the near future, to meet in Washington with representatives from the standards development and enforce branches of the EPA to discuss with them questions of interpret and compliance policy with regard to the new air pollution regulations.

We have already resolved one interpretation question that is of special interest to the asbestos textile industry. Approximate two weeks ago I was asked by a member company of the Associatio to find out whether the EPA was planning to require the manufac turers of asbestos safety clothing to register as potential emission sources under the law.

In discussing the situation over the phone with EPA compliance officials, I argued that the producers of asbestos safety cloth were not manufacturers as defined in the regulations but were i only fabricators of an asbestos product, and as such, should no have to register as potential emission sources.

After our phone conversation ended, a brief meeting was held am the EPA compliance people. I was then called back and informed that they agreed with me that the safety clothing producers shou not be required to register.

While this rather minor problem took approximately an hour and a half and two or three phone calls to resolve, it is indicative o the type of day-to-day services that the Association provides fo its member companies.

Over the past year the Food and Drug Administration has shown an increased interest in asbestos as a possible hazardous contami in various foods, beverages and drugs. Late in 1972 they set up asbestos task force to review the situation and to propose regu tions and guidelines where appropriate.

Thus far they have concentrated their efforts in two areas -- on the use of asbestos-contaminated talc in food packaging an in cosmetics, and secondly, on the use of asbestos cellulose filt pads in the beverage and drug industries.

In our first meeting with the FDA task force last November on th filter problem, they demonstrated and admitted to an appalling ignorance about the health hazards of asbestos. Since then, the have gotten one heck of a lot smarter, due at least in part to t tremendous amount of data and information which the Association

has been supplying to them. As a consequence, the FDA is toda less panicky about asbestos and therefore less likely to propo foolish, unsupportable regulations. Spokesmen from the FDA ha in fact, defended the filter industry against environmentalist attacks in the press and elsewhere in recent months. This is, quite obviously, a healthy sign.

Our activities in the area of Congressional relations have bee quite minimal to date, although we are preparing for the upcom struggle in Congress over workmen's compensation reform, at wh time asbestos is unquestionably going to be racked over the co by Dr. Selikoff and by representatives of organized labor.

Unfortunately, the Association has neither the manpower nor the time to embark on a full-scale legislative information program. We have met on occasion with the legislative and legal assistan to various Senators who have attacked asbestos, however much mo needs to be done in this area and I am afraid individual member companies are going to have to be the prime ball carriers and n the Association.

For essentially the same reason, our government activities at t state and local level have declined to essentially zero over th past year and a half. This has not been too serious a deficien as most of the authority of the cities and states in asbestos c trol has been usurped by various Federal regulatory agencies. Nonetheless, more individual company activity is required at the levels of government.

In conclusion, I think we can all be justifiably pleased with w we have been able to accomplish in the past few years in resolvi the cornucopia of interrelated problems that constitute the asbestos-health situation.

Our plants are cleaner and our workmen better protected. The ge ral public has been shown to be in no danger from asbestos, if i ever was. While we have been regulated extensively, for the mos part the standards that have been developed have not been as bad we feared they might be, and in some cases they turned out far b ter than we ever dared hope. In addition, while we are still ta our lumps in the public press, the net effect of all this advers publicity has been shown to be surprisingly small.

We have sweated a lot and we have groaned a lot, but we are stil standing and we are still viable. I sense today within the indu try a greater feeling of confidence in the future than at any ti in the past few years. But we must not rest contented.

We must remember that Dr. Selikoff has to date been far less suc cessful than our industry has in influencing the decisions of the various governmental regulatory agencies. This will make him try

Trade associations as well as other commercial groups can run a of the law by assuming power in their private activities which properly belongs to the government.

The early price-fixing cases reflect the view that private parti should not be permitted to regulate so sensitive a feature of t economy as prices. Similarly, any joint action which excludes certain companies from important commercial benefits is viewed by the courts as the imposition of a punishment - which is a power reserved to the courts.

In Fashion Originators' Guild, Inc. v. Federal Trade Commission, 312 U.S. 457 (1941), for example, a combination of manufacturers women's garments and manufacturers of textiles tried to prevent copying of their fashionable clothes by so-called "style pirates The fashionable clothes group refused to sell their products to manufacturers or retailers of garments who dealt with the compet "style pirates". The Supreme Court rejected the defense that su a practice was justified by the necessity of ridding the business of unscrupulous garment designers. The Court said:

> ". . . the combination is in reality an extra-governmental agency, which prescribes rules for the regulation and re-straint of interstate commerce, and provides extra-judicial tribunals for determination and punishment of violations, and thus 'trenches upon the power of the national legislature and violates the statute' [i.e., the Sherman Act]." 312 U.S. at 465.

So long as private companies retain their competitive individuali however, and recognize their joint efforts to constructive objecti which reasonably serve that individuality, there is little dange antitrust difficulties.

Eugene J. Wolff, Attorney

Silverman, Weinstein & [illegible]