ASBESTOS INFORMATION ASSOCIATION
NORTH AMERICA
1835 K Street, N.W., Washington, D.C. 20006 • (202) 223-4885

EXECUTIVE COMMITTEE MEETING

Tuesday, September 7, 1976

Stouffer's National Center Hotel Arlington, Virginia

The meeting was called to order at 2:05 P.M. at Stouffer's National Center Hotel, Arlington, Virginia, Present were:

Thomas A Dougherty	Certain-teed Corp.; President, AIA/NA
George Barge	Atlas Asbestos Company
John H. Marsh	Raybestos-Manhattan, Inc.
Dimitry Poutiatine	Johns-Manville Corp.
William C. Thurber	Union Carbide Corp.
C. Fred Workman	Nicolet, Inc.
R. H. Mereness	AIA/NA Executive Director
Others:	
Joseph A. Artabane, Jr., Esq.	Cadwalader, Wickersham & Taft
Adrian C. May, Jr., Esq.	Cadwalader, Wickersham & Taft
Guy G. Gabrielson, Jr.	Nicolet, Inc, Chairman, Asbestos Regulation Task Force
A. H. Fay	Past President, AIA/NA
Richard T. Davis	Frank C. Frantz & Co.
B. J. Pigg	AIA/NA Administrative Assistant

Minutes

On motion, minutes of previous meeting, August 19, 1976, were approved as submitted.

Financial Report

Financial Report for calendar (fiscal) year 1976 as of August 31, 1976 was distributed and reviewed. Mr. Barge pointed out that the total negative variance under accrual accounting system was closing and that end-year projections indicate expenditures will be within current budget. As of August 31, the Association had total assets of $93,660; liabilities of $48,780 and net worth of $44,880. Mr. Davis explained that the current

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dues rate for 1976 (2.5 mills), approved at the March 26 Board of Directors meeting, had been applied to third and fourth quarter billings. On motion, the financial report was approved as submitted.

Mr. Dougherty reintroduced the matter of possible audit of the Association's finances, an item carried over from the June 9, 1976 Executive Committee meeting. Following discussion, it was agreed that the Board of Directors at meeting Sept. 8 should determine whether an audit should be conducted.

Revision of Association By-Laws

Mr. Dougherty invited attention to Draft II of Association By-Laws. The draft was forwarded to members by AIA/NA memorandum of August 27. He suggested that time limitations at the Board of Directors and Annual Meetings September 8 precluded detailed discussion and action at that time. He proposed that the Executive Committee conduct a line-by-line review of the Draft and that the Association's counsel incorporate possible changes for a final draft before submission to members, the refined draft to be forwarded as soon as practicable to members by the Executive Director for consideration and formal action at the December Board of Directors meeting.

A lengthy discussion followed, with Association counsel noting agreed upon changes.

Comments by Counsel on Injunctive Relief Proposed OSHA Standards

Mr. May spoke to the possibility of seeking injunctive relief from OSHA in the event the public hearing for the proposed revision to the asbestos (manufacturing) standard is scheduled separate from a proposed asbestos standard for the construction industry. He stressed economic feasibility as significant basis for such action. Reference was made to the Association's letter dated July 27 to Dr. Morton Corn reiterating primary recommendation of AIA/NA response to OSHA on proposed manufacturing standard that simultaneous consideration of manufacturing standard and yet to be proposed construction standard be affected.The Executive Director noted no response to the letter had been received. Following discussion, it was agreed that a special meeting of the Executive Committee should be convened to further consider this subject in event formal notification is received that an exclusive public hearing on the manufacturing standard is scheduled.

Remarks of Executive Director

Attention was invited to Association's response dated Sept. 1 to Consumer Product Safety Commission (CPSC) on petition filed July 15 by Natural Resources Defense Council,Inc. and Consumers Union of U.S.A., Inc. to ban patching compounds (taping, spackling and joint sealing) containing asbestos, copy in folders. It was noted that CPSC acknowledged receipt of AIA/NA's comments on September 3. Appreciation was expressed to Dr. Rhodes,

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Mr. Gabrielson and Mr. Fay for their assistance in development of this response.

A report on plans for the Third Annual Industry-Government Conference September 8-9 was given, including logistic arrangements, attendance information, and estimated income. The Executive Director said he had knowledge of one company, Nilfisk of America, Inc., a manufacturer of industrial suction equipment, which planned to display products by use of a hospitality suite. He emphasized that the Association had advised the Nilfisk representative that his activity was not to be construed as an endorsement by the Association of the products.

The Executive Director reported that he had been in contact with Mr. Norman Rhodes regarding retransmittal of TBA supplemental data as had been requested at Executive Committee meeting of August 19. The data has not been received to date but was expected momentarily. (Note: Data was received September 10 and forwarded same date under cover of memorandum to Mr. Gabrielson, Dr. Weill, and Dr. Kotin for review prior to being submitted to OSHA.)

On motion, a bill from Dr. Philip E. Enterline in amount of $1,142.00 for services and transportation expenses in support of the Association's Legal/Medical Research Program (literature research pertaining to asbestos and health) was approved for payment.

International Asbestos Information Conference

Mr. Marsh proposed that discussion of the benefits of AIA/NA membership in the International Asbestos Information Conference be delayed until the October 14 meeting of the Executive Committee following his meeting with IAIC standing committee members on October 12 in London.

Mr. Marsh reported on the International Metalworkers Federation World Conference on Health Hazards in Metal Working Industries held in Oslo, Norway, August 16-19, 1976. A significant aspect of the meeting was a resolution calling for 0.1 f/cc permissible limit for exposure to asbestos dust. Mr. Marsh said Dr. Irving J. Selikoff, Chairman of the Federation's Scientific Advisory Committee advised Dr. Klaus Robock that he supported this action in order to prevent a resolution prohibiting the use of asbestos. It was pointed out that the meeting underscored international concerns regarding asbestos-health issues.

Mr. Marsh said he will attend the IAIC October 12 meeting in London as the Association's representative to discuss permanent office location and naming of secretary general for the Standing Committee preliminary to further consideration at the IAIC Conference in Hamburg November 4-5.

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Work in Connection with OSHA Asbestos Standards

Mr. Gabrielson said there had been no change in status of OSHA's proposed revision to the asbestos standard (manufacturing) since his report at the August 19 meeting of the Executive Committee. The Inflationary Impact Statement (IIS) prepared by CONSAD Research Corp. is yet to be "certified" by Department of Labor. Reference was made to Mr. Mereness' comments on retransmittal of TBA's supplemental data. Mr. Gabrielson reiterated that Mr. Norman Rhodes and Dr. Steve Holmes would be available to testify at public hearing on the proposed standard. He said Mr. Jerry Hebb will also be available to testify in support of the Weston study.

Mr. Gabrielson reviewed his efforts to date regarding possible contractors to perform an independent study of the construction industry in anticipation of OSHA's issuance of a proposed asbestos standard. He said four bids had been received in response to the request for proposal. They are:

Contractor	Phase I	Phase II	Phase III	Total
Equitable Environmental Health, Inc. Woodbury, N. Y.	$40,900	$60,000	$35,000	$135,[illegible]0
Betz Environmental Engineers, Inc. Plymouth Meeting, PA	46,880	53,780	21,450	122,110
The Franklin-Hahnemann Institute Philadelphia, PA	37,600	26,000	35,800	99,400
Charles T. Main,Inc. Boston, Mass.	30-40,000	90,000		120-130,000

Mr. Gabrielson recommended and it was agreed that no further consideration should be given to bid of Charles T. Main, Inc. since their response did not indicate a level of qualification to perform. He reviewed the strength and weaknesses of the remaining three proposals. A discussion as to possible funding alternatives followed. Mr. Thurber recommended that Mr. Gabrielson be authorized to select one firm from the three remaining consultants and enter into a contract for Phase I of the construction study with an appropriate cancellation clause included in event financial support is not forthcoming. He further proposed funding for Phase I (estimate $50,000) be initially defrayed from the Association's reserve funds and ultimately from primary segments of the industry or, alternatively, by an 18% assessment of 1976 membership dues.

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Funding for phases II and III to be included in the 1977 budget which could be accomplished by maintaining the same dues rate for 1977 as is currently the rate (2.5 mills) for 1976. The proposed 18% assessment for 1976 to be formally acted on by ballot vote which will be forwarded to members with requested return date of October 12, 1976. On motion, the recommendation was approved to be presented at Board of Directors meeting September 8. It was pointed out that the funds to support Phase I of the study may be provided as result of a meeting of chief executive officers of a number of member companies tentatively set for October 7 in New York City (concept approved at August 19 Executive Committee meeting). Solicited contributions from non-member companies and increased dues from a possible associate member category could also offset study expenses in 1977. Mr. Gabrielson said to date he had not been successful in obtaining an invitation to speak with the directors of the Quebec Asbestos Mining Association as regards the AIA/NA programs and expenses in connection with OSHA standards setting.

He said the meeting of the Legal/Medical Research Committee in New York City on August 24 was encouraging and considerable work had been accomplished by Special Counsel, Wendell B. Alcorn, Esq. and Dr. Enterline. He stated he had met with Mr. Alcorn and Dr. Weill to review a potential list of expert medical witnesses. It is planned that these individuals would be available to testify as might be required by member companies named as defendants in asbestos-related litigation cases. Mr. Alcorn will discuss this matter with the named individuals at the earliest opportunity. Medical Witnesses could serve two functions: (1) testify as to the actual health of a plantiff, and (2) review the work being accomplished by Dr. Enterline and testify on state of the medical art.

Responding to Mr. Thurber, Mr. Gabrielson discussed status of multi-district panel approach to pending federal cases. The Judicial Panel on Multidistrict Litigation has ordered the parties in various asbestos products liability suits to show cause why these suits should not be consolidated for pretrial proceedings. Mr. Gabrielson referred to a memorandum on the subject which had been prepared by Cadwalader, Wickersham & Taft in New York. The "work product" is available to AIA/NA members upon request from company attorneys. He explained that such memoranda are considered protected from discovery. He said it was Cadwalader's opinion that it would probably be in the industry's best interest to oppose the multi-district procedure and seek separate trials. Mr. Gabrielson stated many insurance carriers including those of mining companies in Canada, had registered opposition to the procedure.

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In regard to "work product" memoranda, Mr. Gabrielson explained that it is necessary to request each member company of the Association, other than those who have members on the Legal/Medical Research Committee , to designate an associate member of Committee. The matter will be presented at the September 8 Board of Directors meeting.

Agenda for Board of Directors and Annual Meeting

Agenda were approved as presented.

Other Business

Mr. Dougherty presented the following schedule for Executive Committee and Board of Directors meetings during the ensuing work year:

Executive Committee	Board of Directors
October 14, 1976	
November 11, 1976	
December 8, 1976	December 9, 1976
January 13, 1977	
February 10, 1977	
March 9, 1977	March 10, 1977
April 14, 1977	
May 12, 1977	
June 8, 1977	June 9, 1977
July 14, 1977	
August 18, 1977	
September 20, 1977	September 21, 1977

The next regular meeting of the Committee will be held in the Association's office commencing at 9:00 A.M., Thursday, October 14, 1976.

Adjournment

There being no further business, the meeting was adjourned at 6:35 P.M.

R. H. Mereness
Executive Director

September 17, 1976

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