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PLAINTIFF'S EXHIBIT
AIA-123

FIFTH

INDUSTRY — GOVERNMENT CONFERENCE

SEPTEMBER 17 - 18, 1980
WASHINGTON, D.C.

Asbestos Information Association

NORTH AMERICA

1745 Jefferson Davis Highway
Arlington, Virginia 22202

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FOREWORD

Public policy in a free society is well served by open and frank discussion of conflicting and complex issues. Such discussion can lead to practical and objective solutions which best serve the common good.

The Fifth Industry-Government Conference was sponsored by the Asbestos Information Association/North America in order to provide such a forum for knowledgeable and responsible representatives from industry, government and academia to discuss a wide range of asbestos-health issues. Recent asbestos regulatory initiatives by the Consumer Product Safety Commission, Environmental Protection Agency and Occupational Safety and Health Administration, which would have major impact on the U.S. asbestos industry, were reviewed by both industry and government representatives. An asbestos and health panel presented current information on the asbestos and health relationship and an assessment of associated risks. Other topics included: public image of the asbestos industry; a view from Canada; remarks by a senior executive representing the international asbestos industry; and comments from Capitol Hill.

The Conference was held September 17-18, 1980 at the Twin Bridges Marriott Hotel in Washington, D.C. The Annual Meeting of the Association preceded the conference.

On behalf of the Association president and conference chairman, Mr. Thomas A. Dougherty, sincere appreciation is extended to the conference speakers for their invaluable contribution to the success of this occasion. In addition, the interest and participation by attendees are also appreciated.

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Additional copies of these proceedings may be obtained from this Association at minimal printing and mailing cost.

B. J. Pigg
Executive Director
Asbestos Information Association/North America

February 5, 1981

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Introductory Remarks

Thomas A. Dougherty
President, AIA/NA
Vice President, Asbestos and Health
Certainteed Corporation

Mr. Dougherty has served as President of the Asbestos Information Association/N.A. since September 1975. He also serves as Vice President of Asbestos and Health at the Certainteed Corporation.

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Thomas A. Dougherty
President, AIA/NA
Vice President, Asbestos and Health
Certainteed Corporation

On behalf of the Asbestos Information Association of North America, I would like to welcome all of you to our Fifth Industry-Government Conference. We are very pleased to see our own membership so well represented and we appreciate very much the attendance and participation of the various governmental representatives.

We want to especially welcome the attendees who are not directly associated with asbestos. We do think you will find the Conference interesting and informative.

Please keep in mind that asbestos was the first material to be regulated and it is about to enjoy a similar distinction with EPA. It ranks among the leaders in receiving attention from CPSC. What has happened and will happen to asbestos could very well represent what will happen to materials that you are involved with. So I think that you will find areas of interest in our Conference.

As we begin the Conference, I think it would be very appropriate to call to mind the words and observations that Guy Gabrielson made last year in his opening remarks at that Conference. And Guy said: "The people who are present in this room represent a considerable diversity of interests and each such interest brings in its train its own set of biases. I think we should keep that in mind during these proceedings. If each speaker will remember that he is biased, as everyone

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is biased, and if each listener will listen with charity and an open mind, I think we should be able to extract something of importance from these proceedings."

Those remarks are very apropos today. And with those in mind, I would like to begin the Conference.

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Asbestos and Health Panel

Panel Members:

Dr. Hans Weill is a Professor of Medicine at Tulane University School of Medicine in New Orleans, as well as a member of the active staff of the Tulane Medical Center Hospital. Dr. Weill is an authority on pulmonary disease and is a past President of the American Thoracic Society. Dr. Weill received his M.D. from the Tulane University School of Medicine.

Dr. Kenneth S. Crump is the President of Science Research Systems, Inc., of Ruston, Louisiana. His major research interest is the application of statistics to problems in biology and health. Formerly Professor of Mathematics and Statistics at Louisiana Technical University, he earned his Doctorate in mathematics from Montana State University in 1968.

Dr. Paul Kotin is Senior Vice President for Health Safety and Environment, Johns-Manville Corporation. Prior to joining Johns-Manville, Dr. Kotin was Dean of the School of Medicine and Vice President for Health Sciences of Temple University. Dr. Kotin has also served as Director of the National Institute of Environmental Health Sciences. Dr. Kotin received his M.D. from the University of Illinois Medical School.

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Remarks

Dr. Hans Weill
Professor of Medicine
Tulane University

The review of recent epidemiologic evidence relating type and quantitation of asbestos exposure to the associated health effects is in fact of critical importance, obviously, to most of your functions, be they in the regulatory arena or as manufacturers or users of asbestos products.

In general I would like to cover some of the things that I think have been important, coming to light in the last year, and, as you will see in a moment, a fair amount of work continues to be done and reported by scientists interested in this particular inhalant and even in the last year the work published and presented has been rather voluminous.

I will limit my discussion to population-based studies where attempts have been made to estimate dose, characterize type of fiber exposure and where biologic response has been assessed either by morbidity or mortality studies.

Most segments of the asbestos-producing and using industries are represented by these studies that were presented in the last year.

The latest data which I will review and which perhaps will be of most interest to those of you who have kept up with these

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matters, is the material which was presented just last week at the International Inhaled Particles Meeting under the auspices of the British Occupational Hygiene Society in Cardiff.

We are, of course, most interested in those studies which have produced valid data on dose-response relationships; secondly, the influence of fibre type on pathogenic potency , a matter that always produces a lot of interest, if not controversy; and, third, the role of smoking/asbestos interaction in producing the health effects of interest.

Let me first briefly summarize things by segment of the industry. In mining and milling, the data continues to come mainly from chrysotile mining in Quebec from work done by Professors Allison and Corbett McDonald.

They have, in fact, during 1980 published an important paper in the British Journal of Industrial Medicine on an update of their studies and they have just presented some material last week in Cardiff. They show, of course, very good dose-response relationships for both asbestosis and lung cancer in their mortality studies. They indicate that there is some, but lower, risk of asbestos-related lung cancer for non-smokers. And they conclude that their data are compatible with both a synergistic or multiplicative, as well as an additive effect, and they can't distinguish between those two types of interactions.

There is some increase in risk of gastrointestinal carcinoma in the mining and milling studies of the McDonalds, but

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only at the highest levels of exposure. There is no excess risk of laryngeal cancer in their studies.

Of particular interst to a number of you, I am sure, is their finding that when they convert total dust counts to fibre levels and use fibre level measurements that have been obtained in recent years, they find no significant excess for lung cancer risk in those exposed over 20 years who have had average exposures of 20 fibres per ml.

As will be seen shortly, these results are very different in terms of dose-response relationships than those from other segments of the industry reported by other investigators.

They also have presented some recent material on X-ray findings of asbestosis and they find, as we have, that the prevalence of small opacities-asbestosis (pulmonary fibrosis)- is related to dust concentration, whereas the pleural effects are related primarily to duration of exposure, rather than cumulative dose or average concentration.

They find -- and, again, this is similar to findings in our own group -- that the radiographic changes are not related to smoking. There is some contrary information on that, which I will mention in a moment.

In manufacturing, the asbestos cement manufacturing industry worldwide employs over 50 percent of workers in the asbestos industry and in fact seems to account for as much as 90 or more percent of the asbestos tonnage for asbestos usage in all

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products manufactured.

In the last year, our own group has reported both results on our mortality studies as well as data on progression of asbestosis or pulmonary fibrosis. We found, as many of you know, that there is a dose-related excess of lung cancer in this population and that there was no effect detected by these epidemiologic methods at the lowest levels of exposure. We thought that our data strongly suggested an enhanced effect on respiratory cancer risk of crocidolite exposure. The peak effect of lung cancer risk seemed to be after about 35 years since first exposure and after that leveled off. We quite interestingly and incidentally, found the respiratory cancer risk very comparable to this risk in the asbestos textile manufacturing plant in the British Midlands (Rochdale), and, in comparing workers who had a minimum of ten years' exposure and 20 years of followup, the standard mortality ratios were essentially identical in our two studies. In both studies, no increase in gastrointestinal cancer risk was found.

We found that in progression of asbestosis as assessed radiographically, the parenchymal indicators of asbestosis, small opacities -- progressed in relation to dose; pleural progression is in relation to time of exposure or time since first exposure.

We found that smoking did not affect radiographic progression and that pulmonary function declines were related to both asbestos dust exposure and smoking.

There are some important implications of these differences, which perhaps we can discuss later.

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In regard to the Rochdale textile studies, there really hasn't been much new since the Berry paper, which was published over a year ago. The interesting concept suggested for assessing past exposure, is that instead of using cumulative exposure a "weighted" model might be the more appropriate one where earlier exposures are given more weight in calculating dose. At the moment there doesn't seem to have been a groundswell to move toward this type of analysis and, as a matter of fact the BOHS is extending the Rochdale asbestosis morbidity work. This is being done through the Institute of Occupational Medicine in Edinburgh and, in fact, their exposure estimates are based again on cumulative exposure rather than some "resident" or "weighting" approach.

As far as mortality is concerned in the Rochdale study, Julian Peto has intended to do individual reconstruction of exposures and ultimately come out with a new mortality paper, from that plant, using techniques similar to those from Quebec and ours but that is yet to come and is not available at this time.

In the Cardiff meeting last week, a paper was presented by Dr. John Dement and colleagues from NIOSH presenting the results of a mortality study of an asbestos textile plant in Charleston, South Carolina. This paper evoked considerable interest. This is primarily a chrysotile-using plant, but crocidolite was used to a very limited extent. He also found a dose-related excess of lung cancer, as well as nonmalignant respiratory disease, and found excess lung cancer risk even in his lowest exposure group,

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with an SMR of 223.

Exposure estimates were based on both membrane filter count measurements in recent years and, prior to that, impinger counts giving total particulates with conversion using simultaneous sampling ratios so that all of it is presented in terms of fibres.

They found only one mesothelioma in this study and no significant excess gastrointestinal carcinoma risk. It is important to note that in the Rochdale study, our study, the Dement study, and the newest Newhouse study, which I will come to in a moment, no excess gastrointestinal cancer risk was detected in these manufacturing cohorts.

Dement concluded, that there is a linear relationship between dose and lung cancer risk in his population, without a threshold level. Interestingly and perhaps mildly inexplicable is the finding that they had a steeper dose-response curve, for non-malignant respiratory disease, which was essentially all asbestosis --(these are deaths, not morbidity). This certainly suggested to me and to others at the meeting that the exposures may have been higher than were estimated by the authors. Which leads me, of course, to indicating to you just a couple of the problems with this particular study. And there are problems with essentially all studies.

In this investigation the results depend primarily upon exposure estimates, and these exposure estimates, rely not only on actual fibre count measurements, but also on using conversions from total particulates to fibres, which is fraught with hazard,

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as indicated by Dr. Hammad in our group for our manufacturing study and by Dr. Gibbs in the Quebec research.

The other thing is that the comparison rates that he used were U. S. rates, which most of us use, but he does clearly indicate in his paper that the regional rates for Charleston, South Carolina, are about double for lung cancer than they are nationally. This has been attributed by Blot and Fraumini, (in a paper published a year or two ago) to the shipyard employment in the Charleston area. And that obviously could very much confound the results that are given here and result in risk being attributed to the manufacturing employment. As a result of their study they predict an increased risk for malignant and nonmalignant respiratory disease at the current standard for asbestos of two fibres per ml.

Also in Cardiff, Molly Newhouse presented the results of a recent study on a cohort in friction materials manufacturing using primarily chrysotile, except until 1944 when some crocidolite was used in engine brake block manufacturing. She found no significant excess of lung cancer or gastrointestinal cancer when the population was categorized by years since first employment and by years of employment. There were some mesotheliomas, however.

She did as case-control study on these mesotheliomas which suggested that there was a greater risk of mesothelioma in those exposed to crocidolite than those exposed to only chrysotile. Minerological analysis of these lung tissues is yet to come.

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amphibole fiber in the cases than in the controls, while chrysotile levels were similar, although they had no problem in finding substantial numbers of chrysotile fibres in the tissue. They thought perhaps that clearance rates being faster for chrysotile might explain this difference.

They also found a quantitative relationship. The more amphibole, the more severe the asbestosis.

The second of these mineralogical papers or epidemiologic-mineralogical papers was presented by Allison McDonald and performed in collaboration with Pooley. In this case control study of mesotheliomas from North America, tissue fibre analysis was again the basis for the fibre type assessment. They found a strong association between the mesotheliomas and amphiboles (amosite, not just crocidolite). Again, there was plenty of chrysotile in the lungs of both cases and controls, but the question obviously remains whether or not chrysotile in the lungs is a good estimate of exposure dose.

In conclusion, if you are confused, that is appropriate, because there were a lot of conflicting data presented during this past year, just as there had been previously. Different investigators use different methods of research. There are different parts of the industry, with possible differing risks. For instance, in estimating exposure, during Dr. Dement's talk last week in Cardiff he showed a picture which he said was taken in 1938 of an asbestos carding machine. It looked very dusty, but his table indicated that the assigned

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exposure for a carding operator during that time period was five or six fibres per ml. I asked him about this during the discussion period and indicated, as I am sure some of you might agree, that it seems rather unlikely that in 1938 exposures around an asbestos carding machine were in fact five fibres.

Underestimation of exposure just as overestimation of response will obviously have a major influence on the dose-response relationship, as will the converse; over-estimation of exposure or underestimation of biologic response have an opposite effect.

I think these are matters, though, that need to be kept in mind, both in the evaluation of dose-relatedness of these various effects and also in the difficulties of assessing fibre type differences when most of the exposures have been mixed in type.

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Remarks

Dr. Kenneth S. Crump
President
Science Research Systems, Inc.

In Dr. Weill's concluding remarks he mentioned some of the difficulties with the different interpretations and conflicting interpretations that can be made from the data which has now been collected. In making a risk assessment, what one wants to do is to take this data and make projections of what the risk might be at grossly different exposure levels and perhaps different exposure patterns. And you can imagine that the range of possible interpretations and discrepancies will be much greater at this level than would occur from just interpreting the data as they apply to the populations from which they were collected.

I would like to make some general remarks regarding risk assessment and then be a bit more specific and discuss some specific issues related to asbestos.

The question is sometimes asked regarding what constitutes a valid risk assessment or whether it is possible to have a valid risk assessment - not just for asbestos but for any environmental substances. This implies that there are two classes of risk assessment - valid and invalid. Unfortunately, the issues are not really that clear-cut.

Risk assessment methodology has been denigrated on the grounds that it is too uncertain, that different assessment procedures can produce risks that differ by large factors.

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Just the fact that there is a large uncertainty or that there may be large errors associated with an estimate does not necessarily, mean however, that the estimate is not useful. The estimate of uncertainty that is made must be considered in the context to which the estimate is to be applied. An error of ten miles, for example, may be acceptable if it relates to the distance your automobile traveled during the previous year. However, it may be completely unacceptable if it relates to the distance from where your automobile is now to the nearest gasoline station. Likewise, an estimate may be off by large factors and still lead to useful and correct conclusions and correct actions.

For example, suppose, to be very specific, a metal bolt that is to be used in a piece of high precision equipment has a tolerance of plus or minus 10 microns. Suppose further that the estimate of the amount by which the diameter of a particular bolt exceeds this intended diameter is one micron, but in reality the bolt is much nearer its intended size; it only exceeds its intended diameter by one-thousandth of a micron. Thus, the estimate exceeds the true value by a factor of one thousand. Nevertheless, the estimate is still useful and leads to a valid decision, namely: Use the bolt.

The reason the estimate is valid and is useful is because most of the error or uncertainty is what I would call downside uncertainty. The true value may be much less than the estimate, but it is not likely to exceed the estimate by much.

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I believe it is possible in some cases to construct estimates of environmental cancer risks with the same type of characteristic; namely, the estimate may be uncertain, but fortunately most of the uncertainty is downside uncertainty.

In considering an estimate of risk from any envoron-mental insult, the estimate may not have to be extremely precise to be useful. One reason for this is that the alternatives to basing, say, a regulation upon a risk assess-ment are so much less attractive than using a risk assessment. The alternatives might be group as, (1) could do nothing; (2) ban everything; or, (3) regulate on some alternative basis such as best available technology. I am sure that most of us would agree that the first two alternatives are untenable. The third alternative has the drawback that it neither implies adequate protection of health nor wise use of our finite resources. In some cases, use of what is deemed best available technology might impose a severe economic burden without making a substantial improvement in human health; the same expenditures used elsewhere might provide far more health benefits.

It seems to me, therefore, that in order to make wise decisions it is imperative that we make use of as much information as we have available on the health risks from various levels of exposure. Surely the vast amount of data available on health effects of asbestos should be put to use in estimating the relationship between dose and cancer

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incidence in various exposure situations. This is not to say, however, that the estimates of risk will be extremely precise or that difficulties will not be encountered.

To illustrate some possible approaches to carcinogenic risk assessment for asbestos and some of the difficulties which must be faced, I would like to discuss two extreme situations.

(1st Slide) The first situation -- And it may be unrealistic -- would represent the best of all possible situations. We have an occupational population and what we desire is an estimate of a safe level. When I say safe level I am referring to some level at which we could say that we are pretty sure that the risk is no greater than some specified low amount. And let's suppose that we have an extremely good data base from which to conduct a risk assessment.

Given enough data of the kind that I would like to have, I would operate under the assumption that the nearer the exposure patterns of the exposed cohorts are to those of the population that you are trying to protect, the fewer assumptions one has to make and the more accurate the assessment is. Therefore, if we want to estimate risk or determine a safe level for an occupational population, generally we want to protect the person who is exposed for a long period of time; so we would use data from an occupational cohort composed of persons exposed for a long period of time. So, given a great deal of the data of the kind I would like to have, I might

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SLIDE # 1

RISK ASSESSMENT FOR SETTING A STANDARD
FOR OCCUPATIONAL EXPOSURE - IDEAL SETTING

1. CONSIDER ONLY A COHORT OF WORKERS WHO BEGAN WORK IN THEIR 20'S AND WORKED UNTIL RETIREMENT OR DEATH.

2. DIVIDE WORKERS INTO EXPOSURE CATEGORIES RANGING FROM LOW TO HIGH.

3. FIT A MODEL TO THE DATA THAT PERMITS A LINEAR RELATIONSHIP BETWEEN RISK AND EXPOSURE LEVEL.

4. USE THE MODEL TO CALCULATE AN UPPER LIMIT ON RISK.

5. PERHAPS DIVIDE COHORT BY SMOKING CATEGORIES AND MAKE SEPARATE ESTIMATES FOR EACH CATEGORY.

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consider only a cohort of workers who began in their early 20s and worked until retirement or death.

Given this hypothetical set of data, I would also like to have some way of estimating a dose-response curve. I would like to be able to divide workers into exposure categories ranging from low to high. And I would want the exposure measurements not to be based upon length of exposure, but upon actual concentration levels to which the workers were exposed.

Given such data, I would fit a model to the data that permits a linear relationship between risk and exposure level -- I will come back to that further in just a minute -- and then use the model to calculate what might be called an upper limit on risk or the dose producing a given amount of extra risk.

Given the appropriate data, I would also want to divide the cohort by smoking categories and make separate estimates for each category.

This is, as I said an ideal situation. I am not sure that such data exist anywhere that would allow one to do this. (2nd Slide) But, given that one has such data, there is still a great deal of uncertainty regarding how close your estimates are to the true risk levels. These uncertainties stem primarily from what one assumes regarding the effect at low doses.

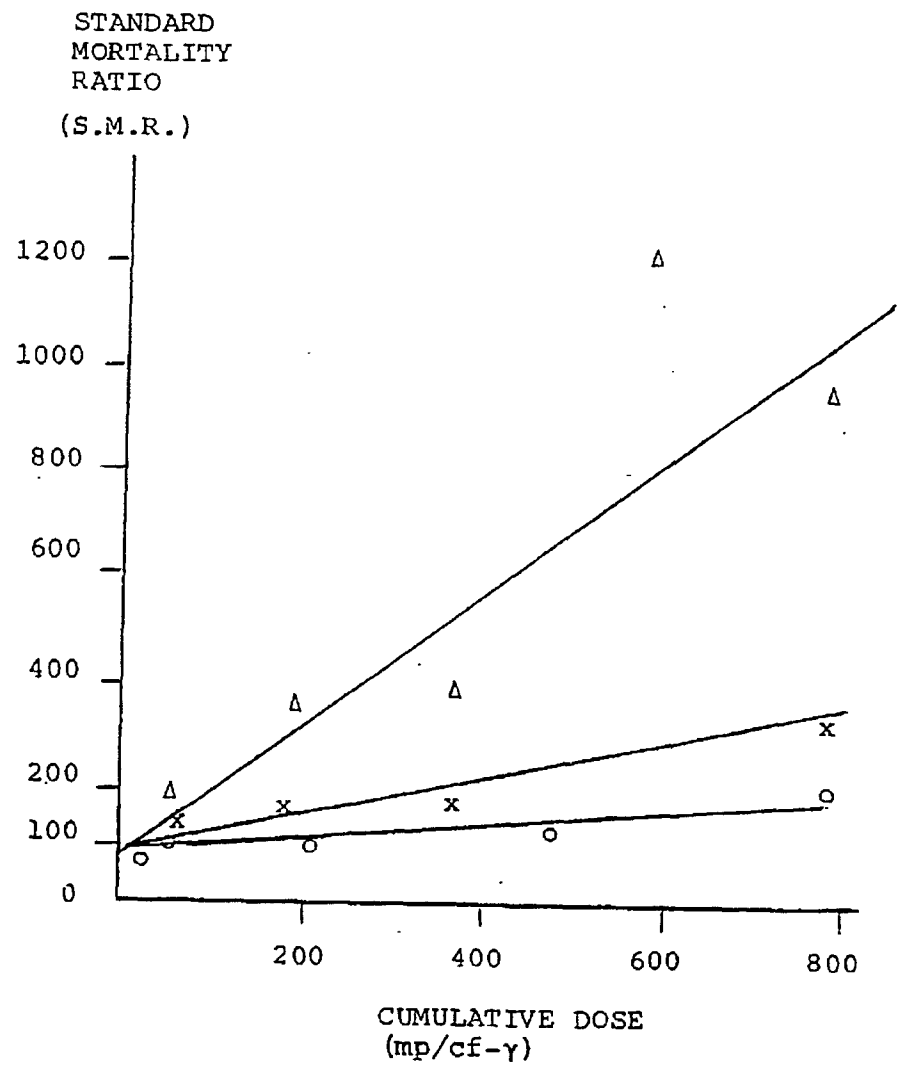
I mentioned that I would fit a model to the data which would allow a linear relationship between dose and response. On this graph, there are three sets of data in which various dose categories could be defined and plotted, and we see that

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SLIDE #2



Δ - MAINTENANCE-SERVICE WORKERS

x - PRODUCTION WORKERS

0 - QUEBEC MINERS AND MILL WORKERS

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a straight line provides a reasonably good description of these data. These data are from the Quebec miners and mill-workers and some maintenance workers and production workers studied by Enterline.

(3rd Slide) The next slide presents a slightly more expanded version of the dose-response relationship for the Quebec miners. We see that a linear relationship fits the data quite well.

Furthermore, there are some theoretical considerations which would lead one to believe that a linear relationship might be the correct relationship at low dose. Perhaps more importantly, practically everyone would agree that a linear relationship would not seriously underestimate the risk at low doses. Since an upper statistical limit is supposed to represent the worst that could happen, an upper limit should, in my mind, incorporate the idea that the true dose-response relationship could possible be linear at low doses. On the other hand, it must also be realized that the low-dose response might be something less than linear.

In some situations one might be extrapolating four orders of magnitude below the observed levels. Even though the relationship looks linear at these high doses, a graph like this affords very little comfort that the relationship is indeed linear at the doses a thousand fold lower.

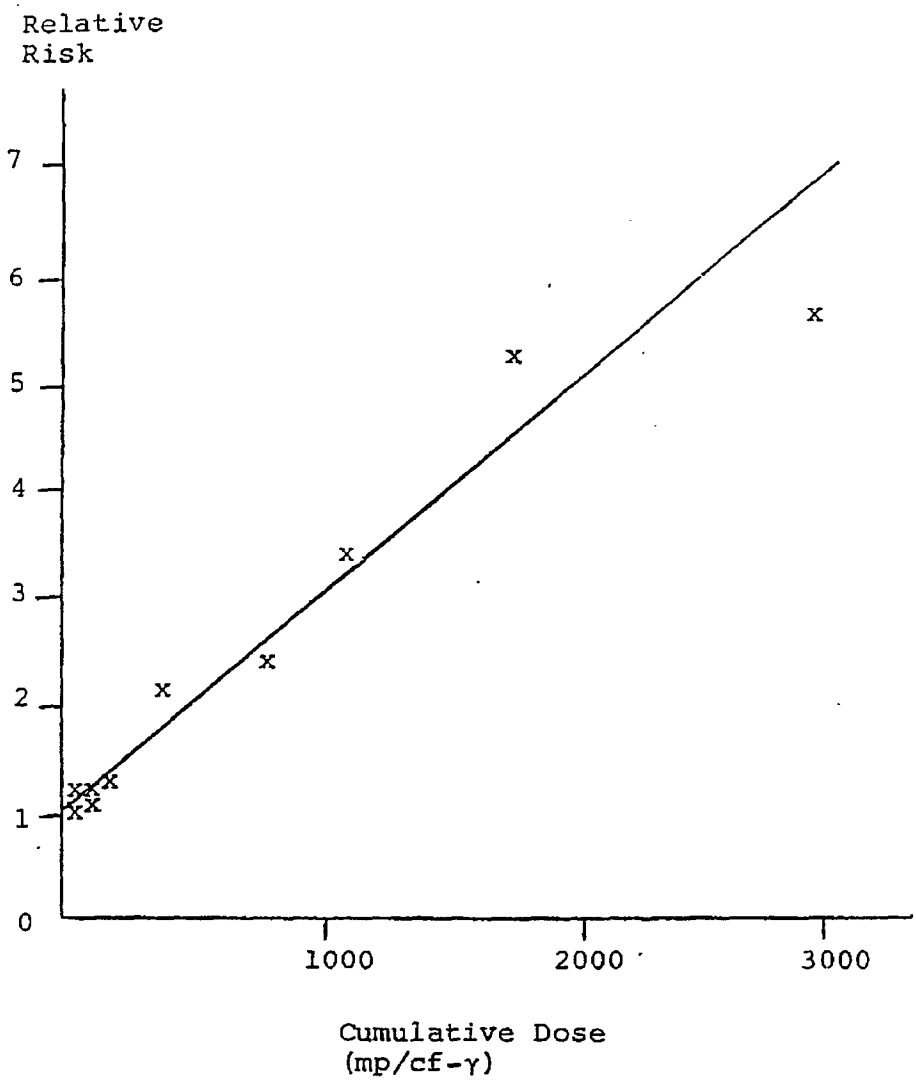
Therefore we are faced with the fact that we might be vastly overestimating the true risk by assuming a linear relationship. So, in spite of the fact that I have talked

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Dose response relationship for lung cancer for Quebec miners and millers. Internal comparison.

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about an ideal situation as far as data are concerned, we see that there is still a great deal of uncertainty in estimates made from these data.

Now let us turn to an opposite situation where the data are very weak for projecting a risk. For purposes of illustration, let us consider the estimation of risks from exposures to school children from asbestos in schools.

(4th Slide) Here the situation is much different and the uncertainties, as I will show, are much greater. This graph shows a possible set of data that one might use to make such an estimate of risk. These data are from a cohort of U.S. insulation workers.

In some ways this is a very good set of data for risk assessment purposes. At least it does have some good characteristics. For one thing, the type of material in schools is similar to that to which this population of workers was exposed. For another thing, there was an excellent control population for the exposed population. This control population was from a prospective study made by, I believe, the American Cancer Society. Smoking information was available and the cohort was selected because of its similarity to the insulation workers in a number of areas - race, sex, education, and occupation. Further, they were traced over the same period of time as that over which the asbestos workers were followed.

So in these respects, this seems like an excellent population to use to estimate risks to persons exposed in

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OBSERVED AND EXPECTED NUMBER OF CANCER DEATHS OCCURRING 20+ YEARS AFTER ONSET OF OCCUPATIONAL EXPOSURE TO ASBESTOS DUST

UNDERLYING CAUSE OF DEATH (CANCERS)	OBSERVED DEATHS FROM	OBSERVED DEATHS TOTAL	CONTROL GROUP EXPECTED DEATHS	CONTROL GROUP RATIO OBSERVED EXPECTED	U.S. WHITE MALES EXPECTED DEATHS	U.S. WHITE MALES RATIO OBSERVED EXPECTED
Lung	DC	397	81.7	4.86	93.7	4.24
Mesothelioma	BE	170	-0-	——	-0-	——
Larynx, buccal and pharynx	DC	21	7.5	2.80	13.1	1.60
Esophagus	DC	17	5.1	3.34	6.5	2.64
Kidney	DC	15	8.5	1.76	7.0	2.15
Stomach	DC	18	12.5	1.44	12.7	1.42
Colon-rectum	DC	54	30.5	1.77	34.1	1.59

Source: Hammond et al. (1979)

SLIDE #4

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schoolrooms. However, there is one deficiency to which Dr. Weill has already alluded, in that the estimate of exposure is extremely weak for this population. Individual estimates of exposure are unavailable; the estimates which are available are based upon projections made far into the past. Unfortunately, this deficiency cannot be compensated for by other positive qualities of the data base.

Because of this deficiency, my inclination would be not to consider this data base exclusively, but to consider some other data bases where perhaps there is better exposure information available and perhaps the type of fibre, although not identical, might be close to what might be in schools, and to compare results obtained from these data bases with those obtained from the cohort of insulation workers.

(5th Slide) Here are some additional sources of uncertainty which were not present in the ideal case I presented earlier.

First of all, we have the problem of estimating exposure levels in schools, which is a very uncertain process. We have uncertainty as to the exposure levels in the exposed cohort, particularly with the cohort of insulation workers, but with other cohorts as well.

With the cohort of insulation workers there is no way to construct a dose-response curve to determine its shape at lower doses.

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SLIDE # 5

REAL WORLD PROBLEM

ESTIMATING POSSIBLE RISKS FROM EXPOSURE IN SCHOOLS FROM DATA ON U.S. INSULATION WORKERS

ADDITIONAL SOURCES OF UNCERTAINTY:

1. VERY UNCERTAIN ESTIMATES OF FIBER LEVELS IN SCHOOLS.
2. UNCERTAINTY IN EXPOSURE LEVELS IN EXPOSED COHORT.
3. NO WAY TO ESTABLISH DOSE RESPONSE RELATION.
4. TIME PATTERN OF EXPOSURE IN CHILDREN HAS NO ANALOGUE IN INSULATION WORKERS.
5. FIBER TYPE MAY BE DIFFERENT IN THESE POPULATIONS.
6. SMOKING PATTERN IS DIFFERENT IN CHILDREN AND IN INSULATION WORKERS.

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It is also important that the exposure time pattern of people exposed in schoolrooms has no analogue in the insulation workers. The insulation workers were exposed as mature adults and perhaps for a long period of time. The children in schools are exposed early in life and then possibly go through life without further exposure. And there is no population which has been followed in time long enough for us to predict accurately what the time course of these diseases might be over that period of time. An occupational cohort might be exposed to different fibre types than those which exist in the schoolroom. And, lastly, the smoking pattern of children exposed in schools is vastly different from those of occupational cohorts. Hopefully the children, even later in life, will not smoke as much as the insulation workers, who, incidentally, smoked quite heavily. If they do smoke, they will be exposed early to asbestos and their exposure to cigarette smoke will occur, for the most part, after their exposure to asbestos in schools is over.

So we can see that we would be faced with a very uncertain situation in trying to use any of the occupational data to estimate a risks to children exposed in schools.

What does one do in such a situation? Well, I think we have to realize that, whatever we do, we cannot remove the uncertainty. I would be inclined to not use only one particular approach, but to try several different approaches, use several different types of reasonable assumptions which might

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be consistent with the data and see how the estimates vary, perhaps presenting a range of estimates this range would provide information on our uncertainty regarding the true risks. I would particularly be very careful to explain each assumption that I made so that those who wanted to question my calculations or make their own estimates of risk could reproduce the results that I had given.

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Remarks

Dr. Paul Kotin
Senior Vice President for Health, Safety and Environment
Johns-Manville Corporation

I am impressed with two things that both Drs. Weill and Crump alluded to again and again: first, the overwhelming area of uncertainty in much of what we do and second, the need for reasonable assumptions.

In addressing the subject of corporate application of health and risk assessment data, you can really divide the area into two parts, one of which can be disposed of in a matter of minutes; and that is the responsibility of a corporation in a world of regulation.

A corporation has the responsibility to comply with regulations. It has the responsibility to identify both comforting aspects of regulations (that is, areas where industry has led the way or is in the forefront, such as with sputum cytology testing programs) and disconcerting deficiencies in regulations, making them known in the latter case and, where possible, not limiting itself solely to what the regulations require.

I don't think that there is any question that 99.44 percent of all persons responsible for corporate health safety, and environmental quality programs would say the same thing. I have no doubt that the regulators, with perhaps a nuance here or there that might be different, would feel the same.

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The second part, in contrast, is where questions are generated and controversy arises. This part of the corporate application of health and risk assessment data consists of data evaluation and analysis for validity and, more importantly, the implications and conclusions that are drawn and the regulations that result from such evaluations.

And clearly both Drs. Crump and Weill would agree, as would virtually anybody else, that regulatory approaches to any environmental agent, including asbestos, have to be based on data for the major part. I am still enough of a bureaucrat to recognize that data are the most important element, but not the exclusive one, in a regulatory decision or in the regulatory world. The other elements relate to societal philosophies, and I will have more to say about that rather specifically in a few moments.

This is no place to go into the subtleties at one extreme and the sloganeering at the other extreme of phrases like threshold, no adverse effect, acceptable risk or reasonable risk, because in most of these, certainly in the latter two, acceptable and reasonable, the element of personal judgment comes in, and in the area of no-adverse-effect levels or thresholds as they relate to carcinogenesis, acknowledged students in the field have no agreement among themselves.

But one thing that can be said is that asbestos, in common with all environmental agents, complies with, conforms

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to, the accepted principles of biology. And in this respect the September issue of the Journal of the National Cancer Institute had three important articles relevant to what I had planned to say. In addition, I had the good fortune last weekend to attend the International Symposium on Cancer, sponsored by the National Cancer Institute, the American Cancer Society and the Sloan Kettering Memorial Institute, and again, much of what was said there encompassed what I planned to say but was said better. The data in the Journal obviously say more than I can, and I would encourage this audience to obtain abstracts of the articles I mention. They are all in the September issue of JNCI, and I hope I will be spared the accusation of pulling things out of context, but I think they are relevant.

Let me begin with the principles of biology as they apply to asbestos, specifically with dose response. Dr. Weill referred to a study some two years ago by Dr. Blot and his associates, all under the direction of Dr. Fraumeni, who is Chief of the Environmental Epidemiology Branch of the National Cancer Institute. Results of the study are published in this issue of JNCI, and the title of the article says it all: "Lung and Laryngeal Cancers in Relation to Shipyard Employment in Coastal Virginia."

In the abstract, the authors note a demonstrated excess risk for lung cancer. They also demonstrate a co-effect of lung cancer with cigarette smoking and emphasize that -- and I

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am quoting now -- "the excess risk was of the same order of magnitude among those who worked only a few years, usually during World War II, as among those whose careers were spent in the shipbuilding industry."

These findings not only reinforce the dominant role of cigarette smoking through its combined effect with asbestos in increasing the risk to lung cancer; they also refute all the wild estimates of future asbestos-related disease that were supposedly based on the experience of shipyard workers and all of which assumed a nonplateauing of risk.

The authors continue: "No increase in lung cancer was found among the small number of men who began work in the industry after 1949, although sufficient time may not yet have elapsed for lung tumors to be expressed in this cohort."

My arithmetic tells me that some 30 years have elapsed between the onset of exposure of these people and the failure to demonstrate an increased risk in this smaller but equally valid number of workers. And, without editoralizing, I would say that you have a 30-year history of exposure in an occupational environment notorious for increased risk to asbestos-related disease without any evidence of increased lung tumors.

In fact, quoting again from the abstract, "no overall excess for laryngeal cancer associated with shipbuilding was found," and this includes the pre-1949 entry workers as well as the post-1949 workers.

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This isn't presented to provide any comfort, but, as I will repeat many times in my presentation, it represents information that I think has to be integrated into any regulatory approach. And the data are self-evident. What has generated so much of the controversy that I mentioned earlier is irresponsible speculation -- the refusal to use all the data and the selection of only those data supportive of a preconceived bias.

Let me move into the area of co-effect, another biological principle by which asbestos, in common with virtually all other environmental agents, operates.

Dr. Selikoff, in the same issue of JNCI, reported the results of one of his studies, and the title is "Mortality Effects of Cigarette Smoking Among Amosite Asbestos Factory Workers." And this was his study of the Paterson, New Jersey UNARCO plant. He reports data demonstrating an increased risk in cigarette smokers and also reports a relatively increased risk in nonsmoking asbestos workers. He concludes: "This observation suggests that asbestos exposure alone produces an increased risk of lung cancer."

Dr. Weill alluded to that, and other studies indicate that this may be the case. I am still unconvinced that, from a practical sense, asbestos alone is a significant carcinogen, and in terms of total number of deaths, lung cancer deaths in nonsmokers, the increase is limited, although undesirable. However, the increase in number of lung cancer deaths among

cigarette smokers is devastating.

Again, I am doing nothing other than re-emphasizing what has been known for a long time, and what we have known is in no way being countered by the accumulation of new data.

Heaven knows, those who are here from OSHA have scars. I share with them the scars from the debates over weak and strong carcinogens and similar vexing aspects of carcinogenesis during the promulgation of the generic policy for carcinogens. But I think these studies from which I am quoting are relevant, not to the academic issue of whether asbestos is a weak or a potent carcinogen as classified by some people who work with experimental animals, but because of their important practical implications for interpreting the epidemiological data. For example, in the third paper in JNCI, a paper by Drs. Topping and Nettesheim of the National Institute of Environmental Health Sciences, the authors conclude: "Our own studies concerning the carcinogenicity and cocarcinogenicity of chrysotile asbestos lead us to the following conclusions: 1) Chrysotile asbestos enhances the tumor response in respiratory tract epithelium pre-exposed to low doses of carcinogenic PAH [polycyclic aromatic hydrocarbons]. . . . 2) This cocarginogenic effect of chrysotile is reminiscent of tumor promotion because the PAH exposure and the asbestos exposure were given sequentially. 3) Asbestos alone, as shown in a previous study, is only a weak, though definite, carcinogen" -- and I would emphaseize that "definite carcinogen"

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-- "for conducting airway mucosa." And then they go on.

Basically what all this means is that, again, in conformity with biological principles, asbestos is no different than any other environmental agent. The magnitude of the numbers exposed in the past, such as the shipyard populations, is the problem, but not that asbestos is a unique carcinogen, for it isn't.

As a person in corporate medicine viewing the response the corporation must take to a regulation, I believe it is important to make certain that these things are not overlooked.

What about the substance of the data that exist? Let me cite a single example. I don't have to recall to anybody in this room the paper, the manuscript, dated September 15, 1978, entitled "Estimates of the Fraction of Cancer in the United States Related to Occupational Factors" by Bridbord, Decoufle, Fraumeni et al. And now I am going to quote some data presented at the international meeting on cancer that I attended in New York, with the permission of Dr. Brian Henderson, Professor and Chairman of the Department of Family and Preventive Medicine at the University of Southern California. I guess his permission to use it is tacit in the fact that he gave me three slides. May I have the first slide, please.

(Slide) One of the things that concerned Dr. Henderson, being at the University of Southern California, was the occurrence of mesothelioma in an area, their drainage area to use a business term, that included the Long Beach Naval Yard

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and the shipbuilding industry of San Pedro and Long Beach. This slide shows the number of mesothelioma cases in Los Angeles County, from 1972 to 1977.

And Dr. Henderson says -- And now I am reading from Dr. Henderson's text. - "We noticed an apparent increase in the reported number of male mesothelioma in Los Angeles from 1972 to 1977. Such an increase could be expected because of the increased asbestos exposure during WW II and the long latent period for mesothelioma. However, there has been considerable speculation in the professional and lay press over this potential 'epidemic' with one widely circulated estimate [the Califano document] that there would be 280,000 mesothelioma deaths from WW II exposure. We thus considered that at least some of the reported increase in cases in Los Angeles County could result from misclassification of lung cancers of uncertain histology to mesothelioma if a history of possible asbestos exposure was available. Therefore, we have undertaken a careful review of occupational history and the histopathological diagnosis (Dr. Russell Sherwin - University of Southern California, School of Medicine) of all our cases. Although this review is still in process, it is already evident that considerable misclassification has occurred."

(Slide) Now in the next slide, the right side you will see that Dr. Henderson has 57 patients with no convincing history of direct or indirect asbestos exposure. Of those 57, 50, or 88% were not confirmed by Dr. Sherwin as mesotheliomas.

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Five of the remaining seven, where the plus is on the slide, that were confirmed as mesotheliomas were females who presumably have mesothelioma not etiologically related to asbestos exposure. And, of course, I buttonholed him to find out how intense the history-taking was to verify this nonexposure. And I think "presumably" is the right word. It isn't ironclad. But let's assume they might have been. It is less certain that the two males were not exposed.

Now, and I am quoting again, "in contrast, of the 34 patients with a positive history of asbestos exposure so far studied about 50% have a histopathologic diagnosis consistent with mesothelioma. Dr. Sherwin has found benign mesothelial tumors and malignant lung cancers are most frequently misclassified as mesothelioma."

I am not going to make a career of this elegant work of Brian Henderson and his associates, so I won't read any more. But, again, it is something that one has to take into account. And I guess I come back to my statement that one of the responsibilities we have is to point these errors out and challenge regulatory data that do not take this misclassification into account.

(Slide) The third slide is perhaps of equal interest. It is based on work by Dr. Julian Peto , who is associated with Professor Richard Doll, former Regis Professor of Medicine at Oxford, and who came and spent part of a sabbatical year at the University of Southern California with Dr. Henderson

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and his associates. Dr. Peto, using the mystique known only to biostatisticians and statisticians, calculated the number of mesothelioma cases in the United States due to WW II exposure. I cannot guarantee the validity of his calculations since I am not mathematically sophisticated enough to comprehend the theoretical statistics on which he based the calculations. But I would submit that 11,200 mesotheliomas from WW II exposure is a hell of a lot closer to reality than the 285,000 projected by the Federal Government. What is most distressing is that in government publications as recent as August, the Bridbord, Decoufle and Fraumeni document was quoted without any caveats and was quoted within the context of being a rationale for a regulation. And that is really where one must assume a challenging attitude toward government data.

Another area over which OSHA labored and suffered mightily in the promulgation of the generic standard has to do with negative data, and particularly negative epidemiological data in the face of experimentally positive data.

And now with the permission of Dr. Philip Cole, Professor of Epidemiology at the University of Alabama, and until very, very recently Professor of Epidemiology at the Harvard School of Public Health, I will talk about his presentation to the New York meeting. He has been reviewing the two aspects of the saccharin issue -- on the one side of the coin the positive experimental data, and on the other side of the

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coin, the controversial but nevertheless more recent negative epidemiological data. As Dr. Cole puts it, a number of older epidemiologic studies and three excellent new ones provide evidence that saccharin as used by people is not a human bladder carcinogen or, if so, it is a carcinogen to an "immeasurably weak degree" -- I wish I had thought of that phrase. The concept of immeasurably weak degree has to be incorporated into the regulatory process, I think.

And Dr. Cole summarizes it in a plea: "Let us reflect now on what may ultimately prove to be the principal issue raised by the controversy over saccharin, namely our pressing need to establish criteria or standards whereby epidemiology or any other science would be acknowledged to have provided persuasive evidence that a substance is not a human carcinogen." Indeed, what Dr. Cole is calling for is criteria to establish the concept of a no-measurable-adverse-effect level.

The proceedings of the New York meeting will be published with record speed since the Executive Secretary of the meeting informed me that none of the speakers got their honorarium if they didn't come with their manuscripts.

(Laughter.)

So they all came with their manuscripts, and I think perhaps in four to five months we will have the proceedings of this important meeting in published form.

The controversial interpretation of data is a vexing problem. But the cosmic denigration of negative epidemiological data, I think, is something whose day is now or should

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be a thing of the past.

One last thing. The high point of the New York meeting in the field of epidemiology, of course, was the presentation of Sir Richard Doll, who flew over Saturday morning and flew back to the UK Sunday night. And in his usual masterly way he presented a paper that is immediately relevant to many of the papers that are coming not from the regulatory agencies, but from the science-based institutions, one of which, as the Chairman mentioned, is my old shop, NIEHS, that are associated with the regulatory agencies. Sir Richard's paper dealt with the frequent conflict, or disparity, I guess is a better word, between subsets of data and the conclusion.

The best example I can think of of such disparity is the recent study by Cynthia Robbins of NIOSH on manmade vitreous fibres to determine whether, indeed, a risk could be identified. And one of her subsets showed an increased risk for nonmalignant respiratory disease, of which much is made in her conclusions in addressing the potential hazard that might be associated with glass fibers. And whether that is a basis for concern is not the issue here. But it is interesting that Sir Richard Doll made the categorical statement, little knowing how I was looking forward for somebody to say something, that when subset data are in conflict with or are contradistinguishable from the total data, the corollary of which is that they are relatively nonoverwhelming, one can

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draw no conclusions from the subset data but can only use them as the basis for additional hypotheses and further studies.

I am not here, as I say, to provide a litany of deficiencies that regulatory agencies might have had in the past or that they would do well to address themselves to in the future, because anybody doing so could stay up here for a multiple of the time allotted to me. Nevertheless, I think it is important and I think I am being fair when I say that these issues have not gotten the attention that one would anticipate or properly expect from an agency or agencies whose responsibilities are, like mine, to provide a safe and healthful workplace.

I can conclude by saying, first, compliance is neither a privilege nor an option, it is a must, and it must be compliance within the full spirit as well as the letter of a regulation.

As far as validity of data is concerned, second, I defer to nobody in the challenges that I make to the conclusions, implications, or speculations of the Mt. Sinai group. However, I get a little concerned when challenges to these conclusions are globally applied to the data themselves. Now, no sets of data are perfect, but basically data are challengeable, are assessable in terms of their implications. What I think we have to start addressing is not the data as they exist but the conclusions drawn from them. And we have to start

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inculcating some degree of responsibility on the part of the regulatory agencies to recognize data that do not give them comfort, that make their job a lot harder and maybe even make them backtrack on positions they have taken.

Finally, I was assured that nothing I say would have any meaning unless I addressed the issue of two fibers per cc.

On the basis of the accumulation of data and so on, I believe -- And it is an "I" -- that the two fiber standard is a protective level. There is no evidence to convince me - that two fibers per cc. is a disease-producing exposure.

I have no proof for that, any more than do those who say that two fibers per cc. is a disease-producing exposure. It is a probability determination; it is a determination that, I think it goes without saying, is subject to change. But I would be less than honest if I didn't say also that I seriously question the data of Corbett McDonald showing no increased risk to disease at 20 fibers per cc.

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Questions and Comments
Asbestos and Health Panel

From the Audience: I have heard a presentation from Dr. Dimopoulos, from NYU in which he raises questions, as I understood it, not about the observed data in the Selikoff studies, but about the comparison with a proper control group, i.e., U. S. countrywide cancer statistics. I don't fully understand his point. I ask if any of you would comment.

Dr. Kotin: I have not seen Dr. Demopoulos' raw data on which he bases his conclusions. I have read his speech in Canada -- I swear I must have had no less than 50 copies sent to me by various people in the industry.

All I can tell you is this, that in looking at data, whether they be Dr. Weill's, Dr. McDonald's, Dr. Demopoulos's, or Dr. Selikoff's, one of the things that one does is look for consistencies and inconsistencies between these groups of investigators. Obviously there is no agreement.

But I find nothing in any of the publications, in any of the data, of the various epidemiologic studies that show asbestosis is not a dose-related disease associated with what I choose to call high exposure. I find nothing that suggest to me that lung cancer in the asbestos industry would still be a problem even if there were no cigarette smoking. I find nothing to challenge the relationship of excessive asbestos exposure to mesothelioma.

I defer to nobody in the right to as I have, I think, take potshots at my friends in OSHA. In terms of OSHA's ability

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to interpret, conclude, and assess the importance of data and so on, Dr. Demopoules has got every right to do that. But I would like to see a little more in the way of substantive data when he challenges conclusions, because in those conclusions, he is challenging a consensus conclusion, not the results of a single paper.

That is all I can say. I am here neither to throw any kudos or brickbats at Dr. Demopoulos. All I say is that in my responsibility as a corporate officer in a company that is engaged in asbestos mining and manufacturing for me to take comfort from what he says, I am going to have to see a lot more data than he has shown thus far.

Mr. Joe Jackson: In the absence of any direct evidence that there is a causal link between the ingestion of asbestos and increased incidence of GI cancer and, aside from the Selikoff cohort it seems to me there is a growing preponderance of epidemiological evidence in both private and government-funded studies to suggest that the 3 to 5 percent increase that Selikoff saw may have been spurious and really is not being backed up by further epi. work. This would lend, I think, further substance to the lack of validity in the proposed water quality criteria docuemnt which is extrapolating inhalation data to potential incidences in terms of risk figures.

Would you like to address those questions?

Dr. Weill: Would I like to? No.

(Laughter.)

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But will I? Sure.

I find as a scientist the variation in results on the gastrointestinal cancer excess risk, or lack of it, fascinating. There is, as you suggest and as I indicated, an increasing number of population-based studies failing to find such an excess in cohorts where the exposure is through inhalation and only indirectly, therefore through ingestion.

And I think at the moment one would have to conclude, that there is a weakening case for GI cancer excess in populations exposed to asbestos dust, particularly in the workplace.

Now, I wouldn't go as far as to say that where that excess has been shown -- And you mentioned the New York-New Jersey insulation study specifically -- that the data are spurious. I can't make that judgment.

But certainly the newer data would lead me to recommend a very cautious approach to accepting that all types of asbestos exposure, or even most types of asbestos exposure, do result in this excess. I think I would come to the conclusion that we should be cautious over the next several years before making this assessment.

Dr. Crump: My comment will be so brief that it probably won't be worth the effort. But just a specific remark about the EPA water quality criteria and the human ingestion studies.

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You have to worry about the route of exposure as well as the level. The exposure measurements which I have seen in the ingestion epidemiological studies are very low. They are so low that the negative findings of these studies are not inconsistent with the criteria levels estimated by EPA.

Now, this does not mean that the EPA criteria is correct or that it is incorrect. It just indicates the insensitivity of some of these studies for showing an effect.

Tatiana Roodkowsky: Dr. Crump, when you talked about risk assessment, you talked about accepting not definite data, if you will. My question is this: How far would you go with accepting that in assessing risk?

For example, EPA, under the Toxic Substances Control Act, has a rule out, a proposed rule, whereby it would accept an allegation of a risk in the risk assessment process.

Would you go that far?

Dr. Crump: When you talk about whether you would do a risk assessment or if it is valid or not, it certainly depends on what you are going to do with the risk assessment. I really cannot give a very definite answer to that question without knowing the specifics underlying it.

How much weight a risk assessment should be given in a regulatory situation, depends upon a lot of factors, one of which is "What is the possibility that a much stronger data base will be available in the future?"

I know that is not an answer. But maybe Paul has one.

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Dr. Kotin: No, I really don't, but I will try.

I think your question can be answered first by saying that an allegation of a risk that remains an allegatior of a risk indicates that the regulatory agency is either inept, lazy, or so biased that it cannot approach the dissection of this allegation.

The rubrics for categorizing less than positive information are well set. They are as old as infectious disease epidemiology is, let alone modern chronic disease epidemiology. To use an allegation as the basis for any regulatory activity is as premature as it might be unwise. An allegation can only be a basis for further investigation.

Now, insofar as a company -- And I assume that is why you wanted me to answer it -- is concerned, -- Well, let me just use an example. It has been my position from the very beginning, as I like to think, as a study of carcinogenesis and of the natural history of disease, the data of a risk to gastrointestinal cancer on the basis of exposure to asbestos are unconvincing. They really demonstrate a lack of understanding of what constitutes the genesis of disease.

The fact that GI cancer is used as a generic term is more eloquent than anything I can say. Esophageal cancer, rectal cancer, colon cancer and stomach cancer are all lumped under the term GI cancer, but they have so little in common in terms of things that cause them and how they evolve that the fact that they happen to be part of the

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alimentary tract is fortuitous.

So I have felt all along that increased risk to GI cancer is an allegation, if you will, and still needs more data before any action can be considered. I have taken refuge in the fact that by controlling for respiratory disease, we are surely controlling for GI cancer.

Mr. Wilfred Penney: I would like to address this question to Dr. Crump. I am not very numerate, for which I apologize, and as I get older, I ask sillier questions. But I don't fully understand the application of the data related to insulation workers applied to exposure in schools. And I wonder if you could just explain it a little bit better. Because what is said in Washington today is headlines in the United Kingdom tomorrow.

Dr. Crump: By using the data on the insulation workers, I did not mean to imply that these data are either particularly appropriate or inappropriate for estimating risks from exposures in schools. I used these data merely to illustrate some of the problems which must be faced when attempting to estimate risks from exposures in schools. Other data bases would have their own shortcomings.

Dr. Weill: Just one brief comment. I hope that in the last hour and a half or so, it has become apparent that there are some people in the world who are trying to deal with the uncertainties that we all have raised and recognize full well.

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There is an awful lot of work going on in this field by well-meaning people. I think our responsibility is to provide data fully, honestly, and timely. The responsibility of the regulatory agencies, I think, is to broaden their base of communication and consultation.

I think it will adversely affect the regulatory process and, most importantly, health maintenance by leaving to a very few the avenues of communication that lead to regulatory activity.

I think you have other scientists to talk to. There are not many, but they are there and they have a lot of data. You should get to know some of these people. And I would suggest that once those doors are open and lines of communications are established, your credibility and the credibility of the regulatory process will be enhanced considerably.

Dr. Kotin: I wish I had said that.

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Industry-Government Panel

Panel Members:

Mr. M. E. Taschereau is President and Chief Executive Officer of Asbestos Corporation Limited with corporate offices located in Montreal, Quebec, Canada. Asbestos Corporation is one of the major producers of asbestos in Canada. Prior to joining Asbestos Corporation in 1976, M. Taschereau was President of Gaspe Copper Mines Limited. He is a graduate of McGill University with a Bachelor of Engineering Degree in Mining.

Mr. John A. McKinney is Chairman of the Board at the Johns-Manville Corporation and is responsible for overall administration of the Company's worldwide network of manufacturing, mining, forest products and marketing activities. A graduate of both the United States Naval Academy and Georgetown University, he joined Johns-Manville in 1951.

Mr. Thomas O. Mathues is Vice President, Manufacturing Staff, General Motors Corporation. Reporting to Mr. Mathues are six corporate sections. Manufacturing Development, Real Estate and Property Management, GM Photographics, Energy Management and Plant Engineering, Manufacturing Engineering and Air Transport. Mr. Mathues came to GM in 1940. He graduated from General Motors Institute with a Bachelor of Science Degree in Mechanical Engineering.

Mr. Richard Gross is Executive Director of the Consumer Product Safety Commission. He assumed this position in November 1979, following his position as Head of the Consumer Protection Division, Department of the Attorney General, Commonwealth of Massachusetts. Mr. Gross is a graduate of the Harvard Law School.

Dr. Warren Muir is the Deputy Assistant Administrator for Toxic Substances of the Environmental Protection Agency. Prior to joining the agency in 1978, he served as Senior Staff Member for Environmental Health on the President's Council on Environmental Quality. Dr. Muir received his Ph.D. in Chemistry from Northwestern University.

Mr. Robert Jenning, Jr., Esq. is Special Assistant to the Assistant Secretary of Labor, Occupational Safety and Health Administration, presently Chairman of OSHA's Asbestos Standards Team. Mr. Jennings has also served on projects including the lead standard and the access to medical and exposure records rule. Prior to joining OSHA in 1977, he served in the Safety Division of the United Mine Workers of America, International Division. A member of the Bars of West Virginia and the District of Columbia, Mr. Jennings received his J.D. from Georgetown University Law Center.

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Remarks

M. E. Taschereau
President
Asbestos Corporation Limited

It is indeed an honour to be invited to address this group and to present a point of view from a fibre producer - that is from the asbestos mining industry.

As background to my remarks, I'd like to take a few minutes to tell you a little about Asbestos Corporation, the company that I represent, and a little about the world production and consumption of asbestos.

Asbestos Corporation is a Canadian incorporated company whose shares are 54% owned by General Dynamics of St. Louis, Missouri. The remainder of the shares are widely held, almost entirely in Canada. ACL is different than most asbestos producers in that we are not integrated forward into the production of manufactured goods containing asbestos - we are a non-integrated producer of fibre and General Dynamics, our controlling shareholder, does not purchase any asbestos fibre from us.

You have no doubt heard that a certain political party now in power in Quebec, believing in the superiority of state planning and state-run enterprises, is somewhat insistent on expropriating the assets of ACL.

That's another story that could be interesting to talk about but is hardly pertinent to the topics under discussion here. In addition, ACL is challenging the validity and

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constitutionality of the law to expropriate its assets before the Quebec Court of Appeal and comments would not be appropriate at this time.

ACL is the largest producer, in the western world, of the longer lengths of fibre (what we call Groups 3,4 and 5) - that is, the lengths of fibre so valuable in so many important products but primarily used in textiles, asbestos-cement and brake linings. We own and operate three mines and mills in the Thetford Mines area of Quebec, a mine 300 miles north of the tree line in Ungava, North Western Quebec, and a fibre finishing plant in Nordenham, West Germany.

So, as a fibre producer and a major supplier of asbestos fibre to the world, we are vitally interested in the development of regulations and standards to protect the workers in our industries and the general public from any hazards that may be associated with asbestos.

We are concerned, however, that the regulations and standards that are finally adopted may not be based on the best medical evidence available but rather on emotionalism.

Before discussing the question of regulations, let me tell you a little about the world production and consumption of asbestos fibre. In 1969, total world production (and therefore consumption) was approximately 3.5 million tons and 65% of this tonnage was produced in non-comecon countries - primarily Canada, Rhodesia and South Africa. In 1979, approximately 6.0 million tons were produced but

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only 47% in non-Comecon countries - a drop of 30% in 10 years. From 1969 to 1979, Russian fibre production increased at a compound annual growth rate of 5.5%. Western World grew from approximately 2.3 million tons in 1969 to 2.8 million tons in 1973 - an annual compound growth rate of 5% in these four years. Since 1973, however, Western World production has remained essentially flat - except for a major dip in 1975 when most Quebec mines were on strike for several months.

Western World consumption of asbestos fibre since 1973 has also remained essentially flat at 3.1 million tons per year. The short fall in Western World supply of 300,000 tons per year is exported from Russia at 400,000 tons less 100,000 tons of exports from the west to Comecon countries. The foregoing figures are approximations and vary from year to year but, in general, they tell the story in broad terms.

Why have production and consumption stagnated in the Western World since 1973? I believe that the answer is obvious. The wave of negative publicity concerning the health hazards associated with asbestos has resulted in a reduction of consumption in the U.S. and Western Europe that has been barely offset by increased consumption in the developing countries. Increased consumption and production of fibre in the west have been put on the back burner, so to speak, until the effects of the environmental issues become clearer. This has occurred in a period of time when

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gross product of the western countries has been growing at annual rates averaging over 5%.

In other words, the asbestos industry in the Western World has been in a holding pattern for the past six years, waiting to see the outcome of the in-depth scrutiny to which we have been subjected. This scrutiny has been severe. It is doubtful that any other substance has been examined as thoroughly concerning its possible effects on workers and the general public.

It has been suggested that this is because asbestos follows arsenic on the alphabetical scale of minerals. This may have given asbestos a head start. However, it should be recognized that the chemical industry has a vested interest in providing substitute fibres. The politicians and journalists of the industrialized countries have been led to believe that asbestos substitutes are available posing no risk and at no increase in cost.

In addition, the U. S., Western Europe and Japan do not have significant asbestos mining industries whereas they all have significant chemical industries with powerful lobbies to protect and advance their interest. We, in the asbestos industry, are prepared to meet the competition head on in a fair battle in the marketplace. At the present time, the battle is far from fair. The proposed substitutes have not received the close scrutiny of asbestos fibre and some may very well be found to pose serious health problems

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in the future. Also, the substitute fibres in most applications are more expensive and less effective.

I'm sure that all of you are familiar with the history of the asbestos mining and asbestos manufacturing industries. It goes back many hundreds, if not thousands of years, with significant developments and substantial increases in production and consumption starting about 100 years ago. We, Canadian producers, have supported in-depth medical research into the hazards and effects of exposure to asbestos. This research has included the study of several thousands of workers exposed to various dust levels for 20 to 40 years.

I'd like to suggest that, concerning asbestos, sufficient medical evidence is now available for regulating authorities to initiate regulations and standards that will permit the continued growth of the asbestos industry for the remainder of this century with all of the cost-effective advantages that will accrue to both industrialized and less developed countries. This can be done with, to all intents and purposes, no risk to all concerned.

The mining and milling of asbestos ore is accomplished by an essentially dry process. Our industry has spent many millions researching and trying to develop a wet process but without success - it just can't be done with present technology.

We are stuck with a dry process - we must drill the host rock, blast it, load it out with shovels, truck it to our

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t, dry it, screen it, aspirate it,
rding to length, bag it and ship it
the process must be done at a moisture
sentially bone dry. The asbestos
ed with a real challenge. Could
to a safe level using the best
that could be developed? Fortunately,

an and have attained a 2 fibre per cc
t, no one knows how a level of less than
consistently attained throughout the
bestos ore.
ble medical advisers with whom we have
the best medical evidence available
re level of 2 fibres per cc, there
urposes, no risk.
I stated earlier, that we now have the
e medical evidence is now available
, labour, the medical community
ies - to develop regulations and
st levels and exposure that will

asbestos industry is still under attack
ntal issues are popular with politicians
the cancer scare is strongly embedded
ations. Must asbestos be the sacrificial

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It will be, if regulators insist on requirements more severe than the best medical evidence tells us is necessary. Possibly, asbestos consuming industries such as the manufacturing plants can technologically achieve asbestos dust levels less than 2 fibres per cc on a consistent basis because in most cases a wet process can be used - others here can answer that question better than I. However, the mining industry cannot do so - the best we can do is meet the, to all intents and purposes, no risk level of 2 fibres per cc.

Why is it so important for the U. S. to set reasonable safe standards? Because whatever you do will be followed by Western Europe, then Japan, then others. You are the leaders of the Western World. If you decide on a standard less than 2 fibres per cc, not because it is required but because you believe your manufacturing plants can attain this level, you will also be setting the trend for the rest of the free world at a level that is unnecessarily severe.

In the present emotionally-charged context of environmental concerns, you will be leading the free world astray and, in the long pull, the mines of the Western World will be unable to conform. Nobody can be sure what the final outcome will be but one thing is clear, supplies of asbestos fibre will become more and more dependent on Russia.

So my message in a nutshell is this - reliable medical evidence is available, consider all of this evidence, don't

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let emotionalism govern your actions, we need your responsible leadership.

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Remarks

John A. McKinney
Chairman of the Board
Johns-Manville Corporation

I thought it might be interesting to you to have a little background on how Johns-Manville arrived at the methodology we use for making policies and decisions with respect to asbestos fiber.

At the time Paul Kotin our chief medical officer came to work for Johns-Manville, I was the Chief Legal Officer of the company with responsibility for what was already a multitude of lawsuits. I had at that time spent a good many years thinking about the whole problem of asbestos and disease and fault and liability and what should be done about the whole matter.

Because of the amount of litigation which we had at that time, it was apparent to me in the first discussion I had with Dr. Kotin -- and there has never been any disagreement between us about this -- that our policies and decisions had to be based upon the weight of the evidence available to us at the time. There was one very good reason for my point of view, which also coincided with the reasons that Dr. Kotin had from a scientific point of view. From both a legal and medical point of view we would be judged in the future, if we had a claim, on whether or not we had taken proper action, reached the right policies and policed those policies in a reasonable way.

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In the courtroom a decision will be made, hopefully -- and unfortunately it doesn't always happen -- on the basis of what they call the preponderance of the evidence. In the context in which we are talking about it, I prefer to use the words, weight of the evidence.

One would think that in a rational society, all decisions would be made on the basis of the weight of the evidence available at the time the decision has to be made. Unfortunately in our society today this is not what is taking place.

I have just been through the experience of giving a television interview in which when the program was put together the statement is repeatedly made with respect to the two fiber per cc. standard that some doctors think it is, "safe," and others do not. As far as I am concerned, that is not balanced reporting, although heaven knows, it is a lot better than any we have had in the past.

I pointed out to the reporter that that is not actually a balanced statement to say some believe it is and some believe it isn't, as if those opinions were both based upon the same weight of evidence. There is considerably more unassailable evidence, if you have to make a decision today, that would lead you to believe that two fibers per cc. is, "safe". I put it in quotes because nothing is ever 1000 percent safe. But there is considerably more evidence that indicates that two fibers per cc. is "safe" than there is evidence that would indicate that it is unsafe.

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To use the terms which were referred to by the medical experts here today, the studies which suggest it is not safe are flawed and the flaws have been documented. There is more unflawed evidence to support the standard than there is evidence which would say it is not safe.

Consequently we have in our society today statements sometime phrased in a very colorful manner and picked up by the press and emphasized in that way which in fact are not supported by the weight of the evidence at that time.

The central issue, with respect to asbestos today, is "Can asbestos fiber be safely used in the future?"

I have an agreement with Paul Kotin, that Johns-Manville will not do anything which he tells me is endangering the lives of either our employees, the employees of our customers, or the general public. And as long as he continues to tell me that in his opinion we are not creating a harm based upon the weight of the evidence, then Johns-Manville intends to remain in the asbestos business.

If the weight of the evidence indicates that an asbestos product cannot be used safely, we won't sell the product.

This is a difficult policy to enforce because of the channels of distribution. But, we have enforced it over and over, and we will continue to try to see that it is enforced completely.

I, for example, reading all the medical studies and so on, could have personal opinions about some of the matters that the

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medical experts refer to. But even though I am Chief Executive Officer, I am not going to impose my personal views upon the policy-making process in Johns-Manville, where we have an opportunity to have experts evaluate the evidence and reach conclusions based on it.

That is what our policies are based on. And because we believe that the weight of the evidence is in favor of the two fiber per cc. standard, I don't feel the real issue is one of regulation. If there is an attempt to set an unreasonable standard, based upon the evidence which we have, we don't feel there would be any difficulty in defeating that attempt.

I do not think that we will be put out of business by regulation. We are much more likely to be put out of business by the propensity for plaintiffs' lawyers, and unhappily now in a growing trend on the part of government officials, to make wholly unsupported, rash statements to the media and that obviously, in the end, affects demand. We even have some indication that the environmental groups - those disposed to putting us out of business recognize the difficulties of accomplishing it by regulation. So, giving unsupported, rash statements to the media - one example being the projection on numbers of deaths - is a deliberate program to accomplish through the media what could not be accomplished through regulation.

This is not rational conduct. I question if it is within the proper scope of any government official's authority. It

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would seem to me that when they make such statements, they are acting as individuals and not as government officials, and they run the risk of being treated as individuals.

The main problem for the asbestos business today, insofar as future viability is concerned, is publicity. There are a number of things which are done today in that area which cause us a great deal of trouble.

For example, anything we say about excessive exposure to asbestos in the past and the disease which resulted from it, is reported or referred to in such a way that it implies to the public that the same situation exists today. And, of course, this was supported by the very rash projections as to the amount of future disease, even though those projections were repudiated -- even by the people in the agencies involved. Yet, we still suffer from the harm that such wide media reporting has done. There has been no reporting of the fact that those projections are without any basis.

Even a layman, if given the raw data from the epidemiological studies, could calculate that the probable rate of disease in the next few years, before it really begins to disappear, will be a small, small fraction of what was projected.

And so when you talk to people about asbestos today -- because of the rash statements which have been made and widely circulated in the press -- there is a general belief that if you come close to asbestos, you will get cancer. If you don't

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believe that, just walk into a cocktail party some night with an ore sample and say, 'Hey, fellows, this is a piece of asbestos.'

People will almost jump backward through the walls. It is this misperception about asbestos in the minds of the potential end users that is the biggest threat to the survival of the asbestos business.

What can we do about it? Well, most of you know I have been trying to do a little bit about it from our point of view. Certainly this Association has been trying to do something about it. And, all of us as individuals who are part of the Association have been attempting to do our part. But it is a very disheartening activity. We can send materials and correct the misstatements, the rash statements, but they are never published.

I don't know how many interviews we have had where we have precisely laid out what the data is, what the weight of the evidence is, what the issues are, but where in writing it up, the reporter misconstrues a statement which leads people to believe that what happened in the textile mills in England at the turn of the century is still happening today. I have yet to see a completely accurate, completely balanced, writeup or story about any phase of the asbestos industry.

As a matter of fact, given all the years that I have been involved in this, it was only about 18 months ago that, for the first time, a major newspaper printed the asbestos industry's side of the story. And then they followed it

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with quotes from an absolutely irresponsble source, as if these two things were balanced.

But, of course, we were delighted that for the first time they had at least admitted that there was an industry side to the story.

One of the things which we, as an industry, have to do in order to prevent adverse publicity, particularly with respect to the two fiber per cc. standard we are following, is to police ourselves. And, in part, for that reason, my company has adopted this policy statement which we are using to guide us in our business:

"We will continue to market asbestos and asbestos products which can be manufactured and used safely.

We will not sell asbestos or asbestos-containing products where adequate precautions are not likely to be observed.

We will continue to equip our plants with the best available technology to assure the highest degree of personal safety.

We will not engage in operations or product manufacture when dust control technology or work practices are not likely to result in a safe workplace.

We will provide the users of asbestos and asbestos-containing products produced by the company guidance and work practice information appropriate to assure non-hazardous usage.

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We will defend the responsible use of asbestos and asbestos-containing products.

We will continue to cooperate with competent medical and scientific authorities and appropriate government agencies to increase knowledge of the health aspects of asbestos exposure and to eliminate hazardous exposures and practices."

What I have just said is something that a great part of the industry is already doing and we would recommend that the industry consider seriously all aspects of the things about which I have just talked.

Now, some data would indicate that even a higher exposure than two fibers per cc. might be safe. We are already at two fibers and we are certainly not going to plug for a higher standard than that. On the other hand, we should not set a standard for ourselves below two fibers per cc. and commit to adhere to it in all of our operations.

There is a very simple reason for this. Since we are going by the weight of the evidence and it doesn't make any difference whether it cuts one way or the other for Johns-Manville -- if the evidence says we should do a certain thing, that is what we are going to do. But another reason is that we are not going to play God with people's lives or with their jobs. We are not going to unnecessarily put people out of work where we think that the work atmosphere is safe.

Most of the people in the U.S. regulatory agencies are not as aware as we are of what they are dealing with in terms

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of possible human suffering in that regard. Our mine is in a town, appropriately called Asbestos, with a population of about 10,000 people. If that mine were closed, it would be a bigger disaster than a major earthquake, if you consider the long-term consequences. They have no place to go, they have no way to make a living except through that mine. We have had a commitment to that population since about 1916, and we certainly have no intention of walking away from them.

If I were told that what we are doing there was positively going to result in significant future disease, that is another matter. But we don't have that situation. And as long as that is the case, we intend to stay in the asbestos business.

The other significant problem, as far as I am concerned, in the asbestos field today has to do with compensating those who were exposed to excessive amounts of asbestos in the past and as a result of this exposure have been injured. That is why we have supported the principles that are now incorporated in Senator Gary Hart's Bill, No. 2847, in the U. S. Senate. Called the Asbestos Health Hazards Compensation Act, it is designed to provide prompt and equitable settlement, fair apportionment of the finacial burden among the responsible parties who can pay for it, and the elimination of the economic waste of litigation.

We have been through litigation long enough -- incidentally, we now have over 4,000 cases -- to know it does not provide

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fair, prompt, equitable compensation to people who really deserve it. Where people are compensated through litigation, it provides unfair, but not so prompt, compensation to the legal profession.

There are a number of features in the Hart Bill which lead us to support it. It is based upon already existing workers compensation programs in the states, so that there is no necessity to devise a new mechanism in order to carry out the provisions of the Bill.

It is not a wide-open black lung type thing. The asbestos-related diseases are clearly defined, and medical criteria are established to minimize protracted proceedings, so there will be no necessity for presumptions of disease.

We don't know that it will be any less expensive than litigation. But it will provide us with a greater degree of certainty about what the total compensation bill will be. We think it is fair to the worker, and that is why we feel it is a better solution than litigation.

It has been the litigation and the pathos surrounding the person who has been severely injured by excessive exposure to asbestos that gives rise to the bulk of the unfavorable publicity. It is there, in particular, that the implication is that what caused the person's injury is still going on today and will keep on going on unless something is done about it. That is the kind of publicity that affects the people I referred to at the cocktail party - those who

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will jump through the ceiling if you show them a piece of asbestos ore.

And I think that some legislative scheme -- we happen to favor the one in the Hart Bill which in effect stops the litigation, stops the irrational, irresponsible publicity and thereby stops or changes the perception that the public has of asbestos -- is absolutely essential to us.

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Remarks

Thomas O. Mathues
Vice President, Manufacturing Staff
General Motors Corporation

The proper and safe use of asbestos is obviously an area of vital interest, and I know from experience that programs of this type can be extremely helpful in all our thinking.

General Motors is a large user of asbestos fiber and asbestos-containing products. We use these materials in many of our products, including passenger cars and trucks, buses, off-road vehicles, diesel-electric locomotives, and powerplants for stationary applications. They also are incorporated in some plant-maintenance items and other non-production materials. Both applications are used in General Motors operations around the world. But, in order to address the specific interests of this group, I would like to confine my comments today to our North American operations.

Asbestos is just one of hundreds of toxic materials which are constantly under study at GM. And, before we go further, let me make a distinction between "hazardous" and "toxic" materials. All chemical materials are, to some extent, inherently toxic. Ordinary tap water, for instance, is toxic -- though, obviously, to a very low degree. With improper use, however, toxic materials can become hazardous. If this room was filled with water right now, we would be faced with a rather hazardous situation.

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General Motors Corporation has, for years, been committed to protecting our employees by recognizing, evaluating, and controlling exposure to toxic materials. To a large extent, these programs are only now being required by various regulations. It is our continuing practice to evaluate all materials prior to their use. The evaluation considers impact on the environment, health, product performance, and cost, including the cost of government control. Thus, if a material we might be considering requires environmental assessment, or the administration of medical examinations to employees, those cost are also included.

We are prepared to change present practices, when there is need to do so. For example, when it became accepted by the medical community that excessive air-borne exposure to asbestos fiber was more hazardous than previously thought, we re-evaluated our use of the mineral. Workplace and ambient air quality were monitored. Employees were given medical examinations designed to determine the presence of typical abnormalities caused by asbestos. New processes are continually being investigated and substitute materials are being sought.

The use of asbestos fiber and asbestos-containing products was reviewed by local GM plant hazardous materials control committees. The committees are composed of people knowledgeable about production processes, chemistry, and health and environmental effects. They evaluate all present or potential materials and recommend safe methods for storage, handling, use and disposal.

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As a result of all this review and testing -- which is continuing today -- we revamped our asbestos-related operations at many GM plants. The changes required a significant investment . . . but resulted in improvements in the environment and in the protection and preservation of employee health and safety.

Let me emphasize that we did this in response to new medical findings. Much of our work occurred before the federal government published its asbestos rules.

One phase of our evaluation of asbestos considered availability and cost of control. We do not foresee an imminent supply problem with grades currently in use at General Motors. But the legislative and regulatory climate is uncertain, and the cost of the continuing use of asbestos may be dependent upon the existence of stringent compliance requirements.

For example, if the exposure limit is reduced to that which NIOSH has proposed, our compliance costs will certainly increase. However, if the limit is not as stringent as presently proposed by NIOSH, we feel that with some added processing and tooling expense we could meet the standard in most of our operations.

Based on current information, however, we do not see an urgent need to curtail all asbestos usage. But we do believe alternate materials must be examined, should the need arise, for economic or health reasons, to replace asbestos-containing materials. Thus, we agree that nonessential uses of asbestos

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should be controlled whenever adequate substitutes are readily available. . . providing those substitutes are economically feasible, and providing they will not result in any new health risks.

At General Motors, our largest use of asbestos is in friction materials such as the 5-6 million sets of brake linings and about 44 million clutch facings we produce each year. Other uses include various gaskets, sound deadeners for metal, fillers in mastics and adhesives, and some electrical component parts. We also use construction materials containing asbestos -- concrete, asbestos pipe, roofing felt, and floor tile, for example.

We believe there is a basic distinction between processes using raw asbestos fibers and those using asbestos-containing materials. Whenever loose fiber is used, we exercise great caution to minimize the potential release of fibers to the work place or the ambient environment. The same care is used whenever asbestos materials are handled in such a way that loose fibers could be generated -- for example, in cutting asbestos paper or grinding a brake lining.

For many asbestos-containing materials, such as adhesives, brake linings, mastics, and floor tiles, the asbestos is bound in a matrix. This matrix is either flexible -- as in tar-based sound deadeners -- or highly durable, as in concrete asbestos products. In these kinds of materials, asbestos fibre generally is not released during our manufacturing processes

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unless the material is misused.

In our view this is an important distinction. In considering risk analyses, or in considering regulations and standards, we think it is important to differentiate between applications involving loose fibers and those involving non-friable materials or encapsulated fibers. Such differentiation is not the case today -- and it should be in our opinion.

The techniques and devices used by General Motors are designed to control the release of asbestos fiber.

Recently, there has been considerable discussion about the use of substitute materials for automotive friction products. While asbestos substitutes are being used in some light duty brake systems, we have not found effective substitutes for many other applications. Various substitutes for asbestos in clutch plates have been investigated, but no suitable alternatives have been found.

Certain products, therefore, will probably continue to contain or use asbestos. So we should avoid any ban on use and distribution of either orignal equipment or replacement parts for which there are no substitutes. In most cases, for example, non-asbestos brake linings, if installed as replacement parts, will not provide suitable performance in older brake systems designed for asbestos linings. In such cases, the configuration of the entire braking system has to be changed. Changes of this magnitude would require extensive and costly modifications and testing. Since we cannot recommend substitution of

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non-asbestos linings in brake systems designed for asbestos, an adequate supply of replacement asbestos linings should continue to be available. This same situation will hold for friction materials used as clutch facings in both manual and automatic transmissions.

General Motors does not use body fillers containing asbestos. However, sound deadeners today contain asbestos as an inert filler. The matrix doesn't dry to the point of becoming brittle, nor is it sanded or ground during vehicle production. Thus, asbestos fibers used in sound deadeners and other types of undercoatings really do not constitute in our opinion a ready source of airborne asbestos fiber.

However, we are encouraging development of substitutes for most asbestos-containing mastics, sound deadeners, and the like. For example, mineral wools, and glass fibers may be effectively substituted in some applications. Perhaps some products can be reformulated to eliminate the need for fiber fillers. But we recognize that the substitute fillers may be more costly.

In conclusion, let me say that General Motors Corporation has a long standing commitment to protect the health and well-being of its employees, the general public and the environment. While we encourage the use of materials having little or no hazard, we are prepared to continue using materials that require more extensive controls whenever substitutes are not available.

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We are proud -- justifiably -- of our record of safety in dealing with potentially hazardous materials. And I assure you, we will pursue every effort to continue that safety record.

Once again, it has been a great pleasure to take part in this program.

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Remarks

Richard A. Gross, Esq.
Executive Director
Consumer Product Safety Commission

I am pleased to be here, for several reasons. One, because I think it is critically important that the government maintain a dialogue with industries that fall under the regulatory purview. Congress has chosen to provide regulatory authority in a host of government agencies with regard to asbestos. The Consumer Product Safety Commission is one. Our philosophy -- And I speak on behalf of the staff of the Commission -- is that we will continue to accept invitations to meet with industry, continue to maintain an open dialogue with industry, and continue to receive and encourage you to make comments, as appropriate, with regard to all proposed or actual Commission regulatory actions. One thing we do not wish to be accused of, nor do we think we ever do, is refuse or fail to accept invitations or maintain an open posture with regard to those of you who have the, I suspect in your position, unfortunate history of falling within the regulatory purview of any government agency, not the least of which is the CPSC.

Another reason that I think it is appropriate to come and talk with you is because I share Mr. McKinney's concern about the portrayal of individuals in the press. I share his concern about the portrayals of government regulators

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in the press. Government regulators, and in an election year in particular, are accused of being evil and venal and corrupt and irresponsible, and the list continues at length. I am sure there are government regulators who are evil and venal and corrupt. I don't think I know any. However, part of the point of addressing you is to persuade you at least that the activity of the staff of the Consumer Product Safety Commission at least -- And I am confident my fellow regulators would share this view -- that the activity of the staff is undertaken, not with a sense of venality or evilness or irresponsibility or out of, as has been characterized, a sense of publicity seeking or attempt to aggrandize individual personality before the Congress or in the public eye, but out of a deepfelt sense of commitment to the regulatory mission which the Congress of the United States has committed the agency to perform.

And if we do nothing more today than exchange intelligent views and persuade each other that there is good faith in all camps that deal with the question of asbestos, we will have succeeded dramatically.

I would like to spend my time with you today discussing what the agency has done and is proposing to do with regard to the regulation of asbestos-containing consumer products, which is the scope of the jurisdiction that the agency has.

Mr. Mathues, I am sure, is pleased to note that the agency does not have jurisdiction over most of the products

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manufactured by General Motors. The agency is charged, instead, with the regulation of unreasonable risks of injury as they are associated with consumer products. Automobiles are excluded.

For the last three years the Commission has been concerned and has been acting in the area of asbestos-containing or asbestos-releasing consumer products. On December 15th, 1977, the Commission banned certain patching compounds and emberizing materials containing respirable asbestos.

During 1978 and for most of '79 and continuing into 1980, the Commission was confronted with a situation involving the use of asbestos filler material in the hot air stream of residential and now commercially used hairdryers.

I would note from the outset that the Commission has taken no mandatory regulatory action with regard to hairdryers. I suspect that statement is a surprise to many of you. The Commission has not banned the use of asbestos in hairdryers, the Commission has not instituted regulatory proceedings against the manufacturer of any asbestos-containing hairdryer, the Commission has not voted to authorize any complaint under its individual product recall authority against the manufacturer of any asbestos-containing hairdryer. Rather, the entire scope of the Commission's actions in this extremely well publicized -- And I think the Commission is not responsible for the publicity -- but in this extremely well publicized effort has been a voluntary

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agreement, a series of voluntary agreements reached between the manufacturers of all domestically distributed or labeled hairdryers containing asbestos in the airstream and the Commission that have involved the replacement of the asbestos paper lining with other fibres or the voluntary -- And I stress this -- voluntary recall of the product from the market.

I am not prepared to speculate whether, if presented with the question, the Commission would have acted in a mandatory mode. I am -- And I think it is important for you to recognize -- prepared to state, however, that the Commission has not faced a mandatory issue with regard to this product and has not determined that an unreasonable risk of injury is presented with regard to these products.

Instead, following publicity initiated entirely outside the Commission and without Commission involvement, a series of meetings were held at the Commission and the industry voluntarily agreed that an appropriate response to the concern raised by the media was the voluntary withdrawal of the products, the asbestos paper lining or, where it was impossible, of the asbestos-containing products from the market.

That voluntary mode has continued up until last week, or two weeks ago, when the Commission again accepted the latest in a series of voluntary agreements discussed with and freely negotiated with the manufacturers of some 90,000 commercial units. Again, the entire mode was voluntary. And the Commission has not initiated mandatory proceedings nor

sued any manufacturer of this product.

And yet I suspect that through reporting of the issue and through the industrial network of communication, which I think sometimes doesn't function any more accurately than Mr. McKinney's sense of how the governmental network of communication functions, I am sure there are many of you here who believe that the Commission has made findings of unreasonable risk of injury with regard to this product or that the Commission has forced the recall of this product from the market. It is simply not true.

Following and at the same time of the Commission's activity in the hairdryer issue and following its ban of the patching and emberizing compounds, the Commission in the course of its IRLG activity issued an advance notice of proposed rulemaking with the Environmental Protection Agency. Several things are important about that notice, not the least of which is that it was done jointly with a sister agency that has largely overlapping jurisdiction with regard to asbestos in consumer products.

We are determined that, to the extent that there is or will or should be regulation of asbestos in consumer products, it not be done with overlapping and conflicting agency jurisdiction.

One IRLG main purpose is to avoid subjecting regulated industry to a multitude of reporting requirements, to a multitude of regulatory activities, many or some of which would

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have the same purpose. And I believe, in review of the IRLG activity and in review of the Commission's activity over the past three years, that we have successfully avoided a multitude or a duplicative effort which would, I think serve no one's interest, neither yours nor the government's, in accomplishing the regulatory mission created by the Congress.

The advance notice of proposed rulemaking solicited general information on the use of asbestos in consumer products and described a proposed regulatory approach that the Commission had under consideration. It was not a, strictly speaking, regulatory tool. It did not require response. No one had to answer it. No one had to even read it. No one was forced to change their behavior on account of it. It was not mandatory. It was an advance notice, attempting in a spirit of good faith, cooperation, and intelligent discussion of the issues to provide the asbestos-producing industries and the consumer product-producing industries containing asbestos advance notice, exactly as the title says, of what the agency was and is considering, what issues the agency thought were relevant to its consideration of the safety issues associated with the product, propose strategies in advance that would give industry an opportunity to comment, and a solicitation of any view, supportive or contrary to the agency's proposed directions, that would be helpful in accomplishing the statutory purpose that the agency has been given.

We received 59 comments to the advance notice of proposed rulemaking, and the staff of the Commission has recently

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completed its analysis of those comments. The notice and the comments are a matter, and the staff's evaluation of those comments, are all a matter of public record with the Secretary of the Commission.

I would note that all of the Commission's regulatory activity is conducted in public. The Commission is not a secret agency, it is a public agency. We pride ourselves on having as stringent public openness rules as any agency in washington and believe firmly that our regulatory climate profits from close exposure to the public atmosphere. And therefore you may read, at your leisure, what anyone said, what everyone said, about the advance notice of proposed rule-making, individual companies who thought that it was a bad idea that the Commission embark on any regulatory course, individual companies who thought that it was a decent idea, those who thought that they could share the Commission's regulatory goals and those who would oppose them, those who suggested standards for us, those who suggested the expense, those who complimented the Commission and those who criticized it. All is available for the public to read and see, and the staff response is available for the public to read and see.

In that notice the Commission indicated that it would proceed to regulate asbestos-containing consumer products where there were emissions or where the product through expected use or misuse could provide asbestos in contact with consumers, indicated that it would, before regulating, seek

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more specific information because, I must say, I agree with Mr. McKinney that we should all operate on the basis of the weight of the evidence. Although my interpretation of the weight and his might differ, the weight of the evidence clearly governs the Commission's actions, as it does his company's.

We indicated that a general order or special order, a general order being an industrywide subpoena, if you will, requiring the production of information on a mandatory basis to those to whom it is addressed and a special order being perhaps a company-by-company request for information, also on a mandatory basis, were under consideration by the Commissioners, that there was a lot of information that we lacked and needed before we could possibly consider regulation, that we would not regulate without receiving that information, but that we needed that information in a substantial amount of detail in order to do our job.

Again, we share the concern that we understand all the evidence that is available in order to ascribe the weight that the Commissioners will ascribe to it before regulating.

We received comments on the proposed scope of that notice, comments from this industry, comments from subgroups of this Association, I believe, comments from many of the members, I think, in attendance. And I would note that the Commission changed its behavior based largely on those comments.

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We suggested that a ten-year reporting period of product production records, including the contents of all products containing asbestos, would be required for an adequate survey of what we did not know.

Many members of the regulated industries indicated to us and persuaded us that that was burdensome, that ten years was too much, that the cost to provide the information was excessive, that a shorter period ought to be sufficient. We agreed. And the Commission's general order which ultimately will issue has been reduced by two-thirds. So that only three years of information is now requested.

We also put out for comment a long list of products where we felt some risk of exposure to asbestos might well exist and received comment. And the general order which the Commissioners voted to issue recently reflected those comments and narrowed that list substantially from our original list of asbestos-containing consumer products.

In a dozen other ways the general order and regulatory policy that will flow, I predict, from the Commission in the next few years have been modified by receipt of comments from a responsible industry. There has been a productive and helpful interchange to teach the Commission the best way to go about its statutorily mandated job.

The Commission has been listening to the industry and making appropriate modifications. One particular item, however, troubles me. The comment in response to our regulatory

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strategy was made that we ought to proceed, rather than generically on all asbestos in consumer products, that we ought to proceed on a product-by-product basis.

Our sister agency, the Environmental Protection Agency, I believe, has considered and is still interested in a generic proceeding. The staff of the Consumer Product Safety Commission is no longer interested in the generic proceeding but would defer to EPA's more broad-based rules. The staff has been persuaded that a product-by-product approach is the only one with which we are capable of addressing the problem and therefore drafted a general order that was product-specific, abandoned the generic approach, and agreed with the industry on a product-specific approach, trying to identify the uses of asbestos where we thought they would be available for consumer exposure, trying to identify whatever exposure levels would be predictable from such uses, and trying to identify the costs of manufacture of the product or replacement of the asbestos in such products on a product-by-product basis. That was the approach we took and it was suggested by the industry in its response to our advance notice of proposed rulemaking.

And yet, once the general order was prepared and sent for public comment and industry members had an opportunity to evaluate it, we were told that is not the approach that the industry is interested in.

Now the general order has not been met with much favor. Yes, it is agreed that the Commission staff and the Commissioners

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ultimately adopted much of what the industry commented on in the advance notice, but now that is no longer what the industries are interested in. They only now want regulation where we can prove in advance the scope of the risk, if any, and don't want us to seek information, which is all the general order does, to persuade outselves and the public that there is or is not such a risk.

So, frankly, I am surprised. Having spent the better part of a year and a half working on an advance notice of proposed rulemaking, evaluating carefully the comments, modifying our own behavior in response to good faith and intelligent comments and preparing a general order as narrow in scope as our attorneys have advised us is available in order to accomplish our regulatory job, we still don't seem to have reached agreement with the asbestos manufacturing industry that this approach is a valid one.

I am puzzled, I am very puzzled, about why that is true.

My view of the Commission's action is that we have not been wildeyed or irresponsible. In the three years since the Commission first considered an asbestos-containing product, we have taken no mandatory action in the area, but have merely sought and have maintained an open communication line with the industry, in full public view, to help us assess all the evidence upon which we will and must act. And yet I do not get a sense that there is much acceptance of the Commission's

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posture, I do not get a sense that there is much understanding that the Commission is attempting to regulate reasonably, and I get no sense that there is any credit being given to the Commissioners' attempt to assemble all the evidence and apply their judgment to the weight of the evidence.

Rather, the Commission is, broad-brush, charged, as other federal regulatory agencies, with being irresponsible with regard to asbestos-containing products and other words and other charges and other characterizations which I think are in themselves extreme.

I cannot find evidence that the Commissioner have acted that way or that the staff has acted that way. I cannot find evidence that the Commission will abandon what I believe to be a moderate, reasonable, measured approach to gather evidence, to apply the best judgment we can to that evidence, and to regulate closely and narrowly, based only on the evidence.

I would not expect us or our respective technical experts to agree on how to weight the evidence. Mr. McKinney is confident that there are absolutely safe levels and that there is a certainty or a particular view which is entirely supportable with regard to the state of the scientific and technical and health-related evidence on asbestos emissions and disease. I cannot share that confidence. I believe the evidence is neither certain nor absolute. I believe the range of technical data is broad and the range of technical support is extremely

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broad. I believe the numbers with various assumptions can be extremely insignificant or can appear extremely serious.

The Commission, the Commission staff, will shortly publish a response to a risk assessment prepared by the American Home Appliance Manufacturers Association. The risk assessment, given to the Commission in response to the general order, asserts on the bottom line that there is no risk of asbestos-related disease from the use of asbestos in certain hairdryers. By changing only moderately, and in some cases only minutely, some of the assumptions that the experts retained by the Association used to arrive at that conclusion, the Commission's experts and the Commission staff were able to produce various levels of projected disease.

I know that it has been a task which has been frowned upon. The Commission is not supposed to produce disease levels. That is supposed to be frightening.

The Commission has not published nor adopted those levels of disease. But the purpose of the exercise, I think, is to show that there is legitimate grounds for substantial dispute. The possibility of less than one incident of disease a year to 100,000 incidents of disease a year based on the size of the room in which the hairdryer is held is a significant variation and one that I agree with Mr. McKinney any lay person could calculate, given the various ranges of assumptions.

It is my view that there is much learning that needs to be done, there is much information the Commission needs to

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assemble and there is much that we do not know about the risk associated with this product.

As chief operating officer of the Commission and responsible for the staff, I can assure you that we will continue to operate in a moderate and reasoned vein, as I believe the staff has and the Commission has for the past three years, and we will continue to operate in the public view.

Our analysis of data that is produced, when the general order is issued, will be a matter of public discussion. Our concerns about the incident levels, if any, will be a matter of responsible public discussion from the Commission. And the basis on which the Commission elects to regulate, if at all, will also be a matter, in my view, of responsible public discussion.

I think we are all served by lowering the level, the loud level, of criticism that has flowed from both sides or all sides of the asbestos regulatory issues. I, for one, do not appreciate characterizations of government regulators as idiots, nor do I think that such charges sound well in the mouths of government regulators or anyone.

On the other hand, I believe that there is good faith on all sides, there is an opportunity in an open and responsible governmental atmosphere to share information, to persuade each other of the validity of the various views, and then for the Commission to adopt Mr. McKinney's formula and act only on the weight of the evidence.

Thank you.

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Remarks

Dr. Warren R. Muir
Deputy Assistant Administrator for Toxic Substances
Environmental Protection Agency

I think this provides a good opportunity for really airing some diverging viewpoints and I appreciate the opportunity to present them here before you.

I am going to speak very briefly. A number of my predecessors have spoken very eloquently as to their points of view, but I will speak very, very briefly in an effort to allow more time for interchange. I think it will be very productive in terms of elucidating perhaps some of these differences.

I ought to point out that I am not the EPA technical expert with respect to asbestos, but that there are technical staff in the agency who have been looking at the various particular aspects who are far more informed on any of the detailed aspects than I am.

Rather, I will attempt to summarize our views in a very brief synopsis and attempt to tell you in very short order basically the program that we are undertaking.

I would like to first say that the agency in our program is seriously concerned about the health hazards of asbestos and concerned about these hazards throughout the life cycle of asbestos, from the mining, milling, processing, manufacturing, fabrication, use and ultimately disposal and point out that in the various types of products that are produced, the various risks will vary to the consumer and to each of the different

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people exposed. But, in the aggregate, the various portions of the life cycle lead us to conclude that there is a likelihood of an unreasonable risk from exposure to asbestos.

And therefore, we have been pursuing the further evaluation of asbestos and persuing possible regulatory actions based upon that.

As Mr. Gross has mentioned earlier, we joined the Consumer Product Safety Commission in an advance notice of proposed rulemaking last year which elaborated upon some of these concerns.

From our perspective I think it is doubtful that there is perhaps any other chemical which has been better studied than asbestos over the years. It is a very extensively studied chemical, to much greater degree than the many other substances that we are dealing with. And, clearly, we do not agree with many of the earlier statements made today, some of which I was present to hear, as to the lack of risk from this material.

I can understand the views of those of you whose livlihoods are very, very closely tied to this material and can understand your sympathetic viewpoints toward the interpretation of the weight of the evidence to lead you to the conclusion that perhaps the risks are not as large as in our eyes.

But I would urge those of you who do not find yourselves in that situation to not allow yourselves to be lulled into believing that the weight of the evidence with respect to

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asbestos in its current applications and the current body of knowledge is one which would lead one to the conclusion that asbestos in its current life cycle is not of concern.

In fact, we are of quite a contrary viewpoint and are further of the opinion that the trend of the evidence which is coming in with respect to asbestos would lead one further to the belief that there are problems which warrant being addressed.

As a result of our viewpoint, let me take a couple of minutes to identify the nature of the regulatory program that we have to address various aspects of this.

Firstly, we anticipate this fall having a proposed rule under Section 8 of TOSCA that would be a reporting rule to attempt to find out information as to exactly where asbestos is flowing in terms of its commercial flows, to try to figure out where it is going, how much, what types of uses, and the like. We feel that this will provide a much stronger information base for us all in carrying out any judgments with respect to this material, both in terms of the size and likelihood of risk, as well as being able to evaluate the consequence of any regulatory action which might be undertaken from an economic and commercial perspective.

So we expect that to occur this fall in proposed form and then after having hearings and a public comment period, to have a final regulation out in the spring.

In addition, we anticipate in late winter or early spring to follow up on the advance notice of proposed rulemaking

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with a regulatory proposal to reduce the amount of use of asbestos in commerce based upon our assessment of risk of asbestos throughout the life cycle.

This is a more generic approach toward the regulation of asbestos than Mr. Gross indicated the Consumer Product Safety Commission is undertaking, but, based upon our analysis, it appears to be a warranted approach because of the risks throughout the life cycle.

And the third category of major near-term and tangible regulatory activities that we are pursuing is in the area of dealing with friable asbestos materials in public buildings. We are dealing initially with primary and secondary schools where just today in the Federal Register we have published a proposed rule which would require private and public primary and secondary schools to undertake a program of identification and notification of asbestos and friable asbestos in the schools.

We anticipate, on following up on this, this particular proposal will go final later in the winter, but we anticipate, following this, in a second phase of activity with respect to schools, with a proposed rule to require removal of the friable asbestos in those circumstances where the material is in such a form or in such a deteriorated shape as to pose a risk to the children, faculty, and workers and other occupants of the public school buildings.

We expect that that proposal will occur, presumably this winter, and, again, in each of these instances we have

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a public comment period and have generally circulated in advance and discussed with the industry and the interested publics the nature of these proposals, their content and rationale, even in advance of this proposal.

That basically is the current program. I can anticipate that in the longer term future we will follow up with respect to the other aspects of asbestos, friable asbestos, in publicly accessible structures and will be following through with the activities that I mentioned before.

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Remarks

Robert L. Jennings, Jr., Esq.
Special Assistant to the Assistant Secretary of Labor
Occupational Safety and Health Administration

As many of you know, OSHA's 1972 asbestos standard was the first standard that the agency issued, and it was based primarily on the mid-60s BOSH work that was primarily directed toward making some sort of dose-response relationship for asbestosis. And subsequent to that mid-1960s work, there has been serious question raised about the disease estimates in that effort, namely that there was far more disease that occurred than was originally thought. And there has also been considerable controversy over the exposure levels that were used as the basis of the dose-response modeling in that British work.

And I think it is important that people keep in mind the basis upon which the current two fibre standard was based that is so often referred to as being absolutely safe or clearly safe, or this is something really firm that was on the basis of decades of study, the best available medical information up to this time. That is not the case.

Subsequent to the '72 standard, OSHA issued a proposal in 1975 to lower the standard to 0.5 fibres per cubic centimeter and considerable economic and feasibility analysis work was done subsequent to that '75 proposal.

When Dr. Bingham became Assistant Secretary in 1977, one of her major programs was the evolution of a generic cancer

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policy that would bring together the best medical expertise in the world on questions of occupational carcinogenicity and attempt to evolve a series of principles that would guide the agency's regulation of occupational carcinogens and be based on the best evidence available on those questions. Active work on the asbestos standard was deferred pending completion of that cancer policy.

The cancer policy was issued at the beginning of this year, and last fall as a part of a renewed effort to generate an asbestos standard an OSHA/NIOSH working group was formed of senior epidemiologists and health scientists and myself to sit down and go over the latest information that had been published and the discussions of IARC in Lyons and other sources and come up with a series of recommendations to Dr. Bingham and Dr. Robbins as to how the agency should proceed as to asbestos.

That product -- That work group issued its report this April and it was very honestly reported in the AIA Newsletter that I am sure most of you receive.

Since April we have been working on evolving a revised standard as quickly as possible, but dealing with all of the problems that arise in generating a new standard for an industry as complex as primary and secondary industries that use asbestos.

In July the Supreme Court issued its opinion on OSHA's benzene standard, and that opinion has been the source of

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some delay within the agency in terms of its standard development efforts. We are still in the process of resolving in our minds what that decision clearly means as far as standards development by OSHA.

Those of you who have read the opinion probably realize that it was a sharply divided Court and it was based on the record that the Court had before it on the benzene standard, and that is not necessarily going to be the same record upon which other questions may come up to the Supreme Court.

So benzene has been a cause of considerable study by the agency, as has the August decision of the D. C. Circuit in OSHA's lead case. That decision raises questions as to, or goes into great detail to explore, the kinds of information OSHA has to develop in order to form judgments that particular standards are feasible. And we are taking a very hard look at that decision in terms of what it says for OSHA's asbestos standard.

We intend to proceed to develop a revised asbestos standard pursuant to the procedures and the policies in the cancer policy. And we are in -- I won't say final stages, but we are in the discussion stage and final resolution of an advance notice of proposed rulemaking on asbestos that would follow the cancer policy. And we hope to have that ANPR in the Federal Register in the near future. I can't say within the next month, but we are attempting that.

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We would anticipate that a proposal would not be issued until some time early next year. We have the intention of covering the construction industry as part of an overall rulemaking proceeding revising the current standard and in order to cover construction we must consult with the construction advisory committee and we intend to do that this fall, and that will be the source of some delay before a proposal is issued.

I think it is fair to say that at least in my opinion a revised asbestos standard for OSHA is one of the most complicated and difficult rulemakings the agency has ever engaged in. And we are doing our best to gather information and articulate our official position on all of the very complicated and contentious issues that have been raised in relation to an asbestos standard. We are reviewing very carefully -- We already have reviewed, but we are going to be dealing in a detailed fashion with the extensive comments that the asbestos industry provided to the 1975 proposal. And I don't want anyone to think that those comments were wasted just because they happen to be several years old.

I think it is probably best if I cut my comments as short as possible to give a greater opportunity for questions. But there were a couple of comments made by some initial individuals that I mean I have to respond to.

Mr. McKinney talked at some length about the government's proficiency to make wholly unsupported, rash statements. And

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I am assuming that that refers to OSHA, as well as some other agencies that might be at this table.

Mr. McKinney also stated several times -- And I am trying to quote him directly, because I was furiously writing down his exact words as he stated them. He referred to considerable unassailable, unassailable, evidence that the current two fibre standard is safe. He characterized this evidence as unflawed.

And my question to him is that I would just like to know what this evidence is. I certainly didn't hear that kind of evidence or those kinds of statements made by the very well presented information on the Asbestos and Health Panel that preceded this panel.

And the way we look at dealing with an asbestos standard and the evidence at present, there is not one single study that we know of where a population of workers exposed below the two fibre standard has been followed for 30 or 40 years and has been followed in a way in which the exposure of that population has been well characterized. There is no such study that has been brought to our attention previously. And in the absence of that kind of study, we are in a very, very, very complicated situation as far as dose-response is concerned.

I mean the earlier presentation on the complexities of modeling a dose-response relationship in which we can have some confidence for asbestos -- The difficulties were very well presented earlier this afternoon and I need not repeat them.

But if there is considerable unflawed, unassailable evidence that the current two-fibre standard is safe, I

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certainly encourage Johns-Manville to come forward and indicate what this evidence is. Who are these researchers who have made these statements? What are the studies that have demonstrated that the current two-fibre standard is safe? What is this positive evidence that has been referred to?

Now, in the absence of that kind of evidence, it is unquestionable that, at least in our mind, we are dealing with extremely complex questions. The judgment of health scientists is crucial in coming up with what is the most responsible public health response when you are dealing with a known carcinogen. You have got over a million workers exposed to it in one form or another, and you don't really know precisely what the effects are of low exposure.

Now, that is the difficulty that we perceive in regulating asbestos. I don't think OSHA or NIOSH has claimed previously that any one study or any one piece of information conclusively proves that the current two-fibre standard is inadequate.

Judgment has a lot to do with it, and we readily admit that.

And I will stop with that. But I certainly encourage J-M to come forward with this unassailable evidence.

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Questions and Comments
Industry-Government Panel

Mr. Etienne van der Rest: I am Chairman of the Asbestos International Association and also Chairman of, let's call it a large asbestos cement company.

Now, you asked, Mr. Jennings, about evidence about a firm which should have been working below two fibres per cc. Now, we have sent and we have made a close collaboration with an independent university, because if you are making your study yourself, anybody could always say now it is because you have prepared it yourself. So we made it with the University of Louvain, a study on more than 2,000 people working daily in an asbestos-cement factory.

Now, this study has been conducted for 15 years, but we have been examining people having worked more than 30 or 35 years in the industry. We have, a man, who has worked 50 years with the company.

The university controlled study didn't find in this asbestos cement factory one case of asbestosis when the exposure was below 100 fibre years.

That is really what I do call a fact.

We have another asbestos cement factory in Holland and those figures have been controlled by the State Ministry of Health, where we have no case of asbestosis, which is a case I can explain, because this factory was built in '37 and is much more modern than the other one.

I forgot to say that within a factory of 2,000 people, we have had 29 cases of asbestosis. So we recognize we have

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some. But it was always people who have been exposed to a higher level than 100 fibre years.

That is what I call facts. Thank you.

Mr. Jennings: My only response to that would be twofold. First of all, I would wonder whether the exposure data that you have suffers from the same problems that we certainly recognize from most of the studies that have been published to date, namely that exposure information has not been collected all the way back based off of a membrane filter system that we currently use in terms of discussing fibre levels. That is the first thing.

The second thing is, and perhaps Dr. Kotin or another epidemiologist could speak to this obviously more competently than I can, a negative study, a study that does not have demonstrated proof of disease incidence is not in and of itself unassailable, positive proof that that particular level or a particular level is safe, and I am not a health scientist, so I cannot in eloquence state the limitations of negative epidemiological studies. The implications of these studies are discussed at length in OSHA's cancer policy, and I can, if someone desires, find the specific pages where these are discussed.

Dr. Kotin: May I make just two comments.

First of all, one man's unassailable may not be another man's unassailable.

There is such an element that I am sure you are aware of that goes under the rubric of confidence limits, and the

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interpretation of all data is entirely within these. There are certain data which merit very, very strict and rigid and narrow confidence limits and data that merit broad confidence limits.

The proving of a negative obviously, a senior high school student will tell you, is virtually impossible.

I think it is irrelevant for the moment, because, in fact, if industry is going to have to depend upon the proving of a negative in relation to any potential or real hazard, you have a situation that is almost untenable in relation to their ability to prove it.

But I would submit that there is a totality of data which allows for responsible speculation on your part that certain things are hazardous and represent a hazard at a given level of exposure and so on.

I think that the data, when analyzed using the same methodology indicate the absence of a hazard.

I was much taken with the comments of Mr. Gross. I don't know that there are any data that state positively that there is or is not a hazard associated with exposure to hair-dryers. And the question of putting asbestos in a stream of hot air is an entirely different issue.

I do know that there is a very substantial body of negative information relative to the hazard in terms of not only the epidemiologic study, but the release of fibres and so forth.

I use that as an example where the confidence limits are of one order of magnitude. In the work place they are of a

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different order of magnitude. So that -- Mr. Van Der Rest's data, I have not seen the raw data; I can't say. But there are confidence limits, and I repeat the word for the fourth time, because unless we recognize that all data are not and have not been born equal, the interpretation of all of the data, I think, is going to continue at an ever increasing rate of controversy.

Mr. Jennings: I couldn't agree with you more, but I just want to point out that it was not my presentation that there was unassailable evidence that the particular exposure level is safe. And I wanted to draw attention to those words, because they were repeated and -- I mean if there are detailed negative studies or detailed positive studies that demonstrate that that particular -- that the particular two-fibre level is safe, I encourage that people come forward and send them to us and identify what they are, because I don't feel that we know what those studies are.

Dr. Kotin: I fully agree with you; you are entitled to those data and you are entitled to them at the very earliest moment. We have no disagreement there.

Mr. Jennings: And I encourage that people come forward with this data right now, because if the data stands for that proposition and our scientists are convinced, there may be a revised standard.

Mr. Jackson: Mr. Jennings just said that if the data is available, there may not be a need for a change in OSHA's

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present standard. Yet, to interpret the NIOSH report in which you participated, that report rather clearly said that the only way to regulate is to regulate to the lowest detectable level, regardless of what the health data says.

Would you care to respond to that?

Mr. Jennings: I would certainly not characterize the OSHA/NIOSH report in that fashion. And if there is a sentence in there that indicates the standard should be set on the basis of detection limits, regardless of health effects, I don't remember such a sentence.

Mr. Jackson: The recommendation is that the standard should be built on the lowest detectable level, which has been set at 0.1 by that Committee. I added the caveat, regardless of the health effects data. I stand corrected on it. I mixed my statements here.

But my point is that that recommendation is now serving as the guide for the standards-making activity.

Mr. Jennings: Well, all I can say is that the document speaks for itself, and the health scientists who signed that document and spent days and days and days discussing the epidemiology that had been published to date that they were aware of, the discussions at IARC last fall, the British Advisory Committee Report--We sat down and spent days and days discussing these things, and most of the scientists were fully familiar with them before we even sat down. It was their collective judgment that the standard should be set at the lowest level

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possible to the extent that substitutes for asbestos could not be used.

And there was a reference to what they felt to be the detection limit, 100,000 fibres per cubic meter, but there was also the statement that the scientists did not have confidence that even that level would be fully protective of workers exposed to asbestos.

Mr. Jackson: That is the exact point I am trying to make, Mr. Jennings. 0.1 from a technical standpoint -- And I think you are sufficiently familiar with the methodology -- is equivalent to zero.

Mr. Jennings: It is 100,000 fibres per cubic meter.

Mr. Jackson: It is equivalent to zero based on the kinds of detection methodology which are now in place and can be effectively used as a method of controlling asbestos exposures.

Mr. Jennings: The detection limits are certainly important as far as the setting of a standard. But people don't breathe detection limits, they breathe fibres. The primary concern in the setting of a permissible exposure limit is what level of exposure are you concerned with, and then you have further decisionmaking that has to take place in terms of whether that can be reliably detected, whether in practice can this permissible exposure limit be complied with technologically, what is the economic impact. All of these things are part of the total decision.

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But the first element is what is the nature of the health risks, what is the nature of the consequences of breathing a certain amount of fibres per cubic meter? And as a part of a comprehensive program for dealing with occupational carcinogens, what is the most responsible way to proceed to regulate that exposure?

Mr. Jackson: I think that we find ourselves not infrequently in these adversarial give-and-take exchanges. I think that one thing that needs to be discussed has got to come to come to bear on regulation, whether it is in the United States or Canada or Western Europe or Japan or wherever, and that is the fact that the regulatory bent based on the acceptance of the principle for the induction of carcinogenicity -- And that is the nonthreshold concept, that there is no threshold -- equates to a zero risk philosophy for regulation.

And I think in terms of practicality, the pressure will come in subsequent years. We must face up to the moral question -- I know it is a difficult one -- of acceptable risk and equate that to what true risks are.

Mr. Jennings: Well, just one very quick response to that.

OSHA, to my knowledge, has never set a standard to which it has claimed we have achieved zero level of risk. And it may well be that that is never going to be possible. And we don't pretend that that is the mission that we have.

We have a limitation on our action, and the limitation is we must establish standards that are feasible, standards

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that can be achieved with technology on the horizon and standards that are not so dramatically disruptive of an industry that that essentially puts the industry out of business.

Those are the constraints under which we operate. And in many cases those constraints are going to prevent any possibility of achieving what even we might suggest would be a zero level of risk.

So I categorically disagree with you that we are in any way attempting to achieve a zero level of risk. If that could be achieved, fine. But that is not the way we operate as a regulatory agency.

Dr. Muir: I would also like to point out that I think you are conceptually mixing two different concepts. One is the question of whether there is a threshold or not a threshold for carcinogens. We in the federal government, I think all across the board, do not accept that there is any reason to assume that there is a threshold for carcinogens. Another is the concept of a regulatory strategy which dictates a regulatory posture of zero risk, which is a position that we under our statute do not have -- Ours is a risk-benefit statute -- and in general is not embraced by the regulatory agencies except where dictated by statute.

And we believe in a non-threshold approach to the evaluation of carcinogenicity such that a given level of exposure carries with it some risk but that that does not dictate necessarily a bottom line of zero risk.

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Mr. Warren: Warren, of course I agree with what you are saying, the two are not equivalent, the issue of threshold and zero risk.

But I think the disturbing thing, from what I am hearing from you, Bob, frankly, is that you people haven't learned any lessons at all. And I don't think it is good for you in the long run to continue down this path that I think Joe has well identified. It is a path, frankly, that is seeking that which is truly unattainable.

Paul talked a minute ago, about this. What you are asking for is proof of a negative that can't be proved. We all know it can't be proved. I think that is obvious.

But the point is -- And I think the Supreme Court made this much very, very clear -- the burden is on you fellows to prove that there is a significant risk. The burden is on you people to show that there is a significant reduction in that risk.

To be sure, latitude is going to be given to you people, but to go strictly down this road that you are going down, a road that I think for all practical purposes equates with exactly what Joe is saying, is going to be counterproductive to you people in the long run.

I don't understand why you haven't learned the lesson. I guess -- I certainly didn't want to get up and talk about this, but, frankly, I find it disturbing that you are not learning this lesson.

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What Warren says is, I think, an entirely different issue. We can talk and we will be talking with Warren and with EPA about the degree of risk posed by various alternatives and various proposals which EPA will make.

What you are talking about is something else again. The burden is on you people to make the demonstration the Supreme Court asked for. And I am telling you, if you don't do it, if you continue to go down this road, which I think is manifested by the cancer policy, I think you are going to find that you are going to accomplish an awful lot less than you could accomplish if you would just listen and just try to be a little more reasonable.

Mr. Jennings: All right. Certainly --

Mr. Warren: You know, I don't want to get in an argument about it. But it is really disturbing, frankly, to me to think that you people still have your head in the sand about this issue.

Mr. Jennings: Well, I think --

Mr. Warren: You know, we can talk with Warren Muir about it because I think he is making a distinction which --

Dr. Muir: How did I end up being --

Mr. Warren: -- I think is a valid one.

Dr. Muir: -- the good guy up here?

(Laughter.)

Mr. Warren: Warren, you will have-- Believe me, you will have your day and we will have our disputes.

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Dr. Muir: I certainly didn't try to be.

(Laughter.)

Mr. Warren: And we will have our disputes and we have had our disputes before and we will again on this issue.

But, nonetheless, you are approaching this problem from a framework that I think is roughly consistent with what the Supreme Court said in the benzene case and it is roughly consistent with what the Court had in mind.

We may have lots of disputes in the future about the strength of the evidence, we may have lots of disputes about the degree of risk posed and the certainty of the assessments which are made, by you and by us, to demonstrate that. But I think that unless we accept that kind of basic premise and unless we can have dialogues along that kind of channel, we are at impossible loggerheads. And I frankly am disturbed to hear -- And I didn't intend to, frankly, get up here and talk about this at all. But I am frankly disturbed to see you people still talking exactly the same way.

Mr. Jennings: Okay. I appreciate your advice to us people.

But there is one thing that I wanted to correct. We don't perceive that our rulemaking functions in any way depend on a burden on the industry to disprove something. That is not the basis for our rulemaking. We are under an obligation to have substantial evidence to support our findings. And that substantial evidence is going to be reviewed by any reviewing

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court, and we take that seriously.

Now, much of what transpires in the regulation of an occupational carcinogen is judgment, and it is expert judgment, it is public health policy, and those policies can lead to findings that significant risks occur.

And we don't feel we are in the business of regulating the trivial. And we are not regulating on the basis of saying it is your obligation to disprove anything. We have the affirmative obligation to demonstrate the need for a regulation, and we intend to do so.

Mr. Warren: I just hasten to add one more time. the very tenor of your remarks when this gentleman got up from Holland and gave you examples -- Now, you know, to be sure, you haven't seen the studies he is talking about. But what we hear is exactly what Paul was talking about, this negative epidemiology he is talking about. "Well, 20 years ago we don't really know what the exposures are, we can't -- we don't have the present state of the art technology for ascertaining exposure levels for 20 years ago, that people weren't exposed for 40 years.

I mean you are asking for absolute and utter perfection in a negative epidemiology study. The burden -- I don't want to continue it because I don't think it is -- I think it is counterproductive for both of us, but, frankly, you people have the burden and you have to accept some reasonable degree of evidence. I mean you are discouraging people from investigating problems when you take no account of evidence which persons are

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attempting to prepare in all good faith to assess truly, rationally and fairly the degree of risk posed by such substances as asbestos.

And I do think, once again not to make Dr. Muir the good guy in all of this, because, as I say, we will have our day, but EPA is willing always, in my experience to consider negative epidemiology. We may have differences of points of view, but nonetheless, there is willingness to listen, there is a willingness not to set up arbitrary and impossible-to-meet standards which no one can attain and therefore we are left with nothing but your good faith in regulating a product such as asbestos.

So there is no sense in--

Mr. Jennings: I will just simply dispute every single characterization you have made on the nature of our rulemaking and just leave it at that.

Mr. Jean Brazin: I just wanted to have a brief comment from Mr. Mathues about the relationship encountered at GM with the unions in elaborating or in setting the programs he was talking about.

What, if any, high-level cooperation was obtained with the UAW? I guess that is your union, in the great majority. Just a few words on that.

Mr. Mathues: First of all, we didn't approach it, to my knowledge,at the highest levels of the UAW. The negotiations and the things that we did with our unions were carried on in

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the plants in which we had the exposures.

I might say -- And let me characterize how we approached in one plant a relationship, not with the union itself, but with our employees, who, of course, are unionized.

When it became fairly evident to us some years ago that there was a new outlook about the hazardous nature of asbestos, we chose to take all of our evidence to our employees directly. We chose to tell them everything we knew and, faulty as that may have been, nevertheless it was everything we knew at that time. We held back nothing.

We took the position that we knew there were new concerns about asbestos, we knew that many of them had been exposed to asbestos over a long period of time. Many of us had been -- in management had been exposed to asbestos over a long period of time. We were equally concerned, as we thought they might be. We talked about the data having to do with cigarette smoking and the increase of hazard as we thought it to be at that time.

We further made it clear to our employees that, having been given all of this data and evidence that we were aware of, if they chose to work in some other area, not in asbestos, we would honor such requests, without prejudice.

I might tell you how it all came out. First of all, I guess we were happy about the way the material was received. People generally were grateful to have information and have it given to them candidly and directly, and by the highest people in each of the organizations.

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Secondly, they were curious about the facts of the matter, and we asked them to talk to other people, be aware of what was in the press and what was going on.

On the offer to move them, we had very few takers. In fact, the few who did move chose in most cases later to come back into the asbestos areas. And I can only surmise that they believed that we were watching the situation, that we were going to do the best we could, under the circumstances we would protect them as best we could.

Now, we readily admitted that our understanding of the limits -- And I hear it today that we are not quite sure what limits are safe, if there is any such thing as safe. We readily admitted to them that there was a time 20 years ago when we thought some pretty high levels of asbestos exposure were pretty safe and those levels have been coming down. And we told them there was nothing that we knew of that would keep us from changing that view still further and that we were prepared really, if the employees said, Well, we simply refuse to work in asbestos any longer -- we took the position that if they did that, we were out of business.

And I think that the reaction that we got was a surprising one. And we were, I guess, rewarded for our candor.

The union now -- Let me say -- You asked the direct question, What was the union's position in all of this? The union's position was peripheral to it, but in general they also applauded it.

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Mr. Jackson: Is the technology proprietary on that polymer base water cutting device?

Mr. Mathues: I believe you have to have a license. Not from us, but from the guy who invented it.

Mr. McKinney: Lots of people use it in a lot of products.

Mr. Mathues: Yes. It is used in paper cutting, it is used in pattern cutting.

This happened to be -- The one you were looking at there happened to be the first commercial application of that principle. It didn't work too well at first.

(Laughter.)

Dr. Kotin: Bob, I hadn't meant to get up again, but this is something I would like to address to the three of you.

The position you took in response to Mr. Warren was interesting and one that I not only believe in and am sympathetic to, but there is an inconsistency to me in your position and the action of all of your agencies.

What do you believe is the responsibility of your agency to the Califano document, let's call it that, the estimates document, when as recently as a week ago it was used by CEO and OSHA. Dr. Hole, Dr. Hogan, Dr. Fraumeni, Dr. Upton, just off the top of my head five people, have repudiated its content?

You invoked IARC. Dr. Higginson, the Director, probably has been more articulate than anybody except Professor Doll.

Now, whether they are right or wrong and whether what they say is unassailable or not is irrelevant for the moment.

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What do you believe your responsibility in OSHA is to making this information available, since it was so critical to the positions you have taken in many areas relating to the carcinogen standard?

Mr. Jennings: First of all, as to what has been called the Califano report, I have to beg off, because I don't have an epidemiological background.

Dr. Kotin: It's the estimates document. This is the official name of the paper.

Mr. Jennings: Yes, I know what the document is and I am very well aware of the controversy surrounding it.

But I can't indicate what the official OSHA position is vis-a-vis that document. I just don't know.

As to your second question, I don't quite understand the question. When I am referring to IARC, I am including the proceedings that took place in September of '79, which I don't believe have been published yet. But OSHA and NIOSH representatives were there, did participate in the total proceedings and took very detailed notes.

Dr. Kotin: Well, I apologize for my ignorance in not knowing about a document that hasn't been published.

Mr. Jennings: When I refer to IARC, I mean most recently the IARC September conference that involved far more individuals than just Mr. Higginson.

Dr. Kotin: Dr. Muir, what do you think the responsibility of EPA is in terms of the use of EPA in some of its proposed rulemaking of the document in terms of the concern over it's

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current scientific status, as controversial as it might or might not be?

Dr. Muir: I think that most of the context that you are referring to really goes into studies which are addressing the over-all incidence of cancer and causation and so on and so forth, which is, at best, context but is not something which we are relying upon directly in terms of the specific evaluation of the risk, the degree of risk and the unreasonableness of the risk on any particular substance.

The same thing would go with the 70, 90 percent and all of those quotations and so on and so forth. Whether or not those are absolutely true does not really bear upon the degree of risk of a particular circumstance and the unreasonable risk of it -- unreasonableness of it.

Dr. Kotin: Well, I think I would disagree. But certainly I would hope EPA would be less concerned if a risk resulted in 11,000 cases of a malignant neoplasm by the Year 2005 rather than 285,000, admitting the 11,000 cases are 11,000 too many.

Mr. Gross, how do you feel about the responsibility of CPSC in terms of a document that has had an impact of just unmeasurable proportions in terms of the thinking about the cancer hazard to which 220 million-plus Americans are exposed?

Mr. Gross: Without accepting your characterization of the impact of the document, I think that any document that is

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relevant to a projection that the agency would be interested in making with regard to the incidence of any disease must be included in the public record, must be evaluated.

And, because we are also a risk-balancing agency, you are correct when you assert that there is a difference in how an agency, the CPSC, would be prepared to regulate in the face of 200,000 proposed cases versus in the face of 11,000.

I am not aware of any government agency that operates on a zero risk basis except where Congress has ordered it to. Certainly the Consumer Product Safety Commission does not. And risk balancing, comparing the proposed benefits of preventing the projected disease versus the cost of what it would require of an industry in order to prevent that disease, is a central consideration that the Congress has required the Commissioners to address.

If that document is as significant as you suggest it is and if it would suggest that a particular regulation of the Commission would have less impact than is considered, then it should be definitely considered by the Commission and I believe they would look at it and give the public an opportunity to also look at that document and appropriate responses.

Dr. Kotin: Thank you.

The only comment I would make to OSHA is I hope my secretary hasn't thrown out my NACOSH meetings, because

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there is clearly in the minutes the recognition that the zero -- the no-threshold concept represents the rationale for activity, albeit the real world prohibits it. Because in fact you are allowing exposures to arsenic or you are allowing exposures to asbestos and nobody is questioning the carcinogenicity of asbestos in this room.

But I just was interested particularly in your discussion with Mr. Warren about what constitutes your position, and that is demonstrating the existence of a hazard or the responsibility of industry to demonstrate the nonexistence of a hazard.

I appreciate your answers. They were candid.

Mr. McKinney: In the first place, I don't think I used the word "unassailable." I think that is your interpretation of what I said, because nothing is unassailable, just like you can't prevent anybody from filing a lawsuit if they want to.

On the question of judgment, I quite agree on this, that judgment comes into account. But the statements which I made were based upon judgments which were passed on to me by Paul Kotin, and I submit that he is probably more qualified in this area than anybody you are relying on.

I will turn the thing right around and say to you, if you have any real evidence about the lack of safety of the two fibre per cc. standard, we would like to hear about it. And I can tell you right now, we already know you

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don't have it because if you had it, you would have already imposed a lower standard on us.

Third, and this is the real thing I have got against what the agencies are doing today. After all, all the rest of it will get thrashed out in court and what is the weight of the evidence will be decided there, if we are not in agreement.

And Paul was referring to this just a minute ago, in a way. A listener in this audience who really knew nothing about asbestos would go away with the feeling that you are committed to the policy that any exposure to asbestos at all, including my holding up the sample in front of the people at the cocktail party, will cause disease. You haven't said one thing that would indicate a recognition on your part that exposure to any level is acceptable. You haven't even recognized the fact that the data shows there is a tremendous difference in the exposure effects on smokers and nonsmokers; nor in any of your publications do you take that into account.

And the problem is, when you talk to the media, it comes accross the same way and it gets printed exactly that way, and that is why the public thinks, despite a great deal of evidence to the contrary, that you can't use asbestos-cement pipe safely, even though at least for our pipe contractors we have never had a workers compensation claim and we have been in the business fifty years.

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I recognize that theoretically you can't prove a negative, but I am going to tell you of something that to me proves something. In our asbestos-cement pipe plant in Manville, New Jersey, we had the highest incidence of disease in any plant we have had. In making asbestos-cement pipe over a period of years we use chyrsotile mainly, but also crocidolite and amosite. There was exposure to all types of fibre.

We built a plant in Stockton, California--And what I am saying now is in testimony and everybody could have read it who was interested. We built a pipe plant in Stockton, California, that started up in 1957. It has a large enough worker population that the fact that there is no disease in that plant that can be associated with exposure to asbestos fibre in that plant is significant.

That is not to say there will not be some disease, because when we started taking fibre counts in that plant, it was substantially higher than two fibres per cc. Obviously we are now down below two fibres per cc. But our experts have looked at the thing and looked at it carefully. There is not a single case of asbestos-related disease or any pulmonary changes which indicate an asbestos-related disease in that plant in 23 years.

Does it prove two fibres per cc. is safe? No, it doesn't prove it, but it is damn suggestive to me. Just like a lot of the things in McDonald's report are, and

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a number of the others.

And on the other side of it you have not one thing that really suggests in a positive way -- And here you have an opportunity to prove a positive, not a negative. And you have nothing on the other side of it that challenges or shows that there is a lack of safety in two fibres per cc. It is only theories. And that is why I say it is unsupported.

Last, you made a crack about our livelihood. The probabilities are that your livelihood depends a hell of a lot more on asbestos fibre than mine does.

If we went out of the asbestos fibre business today, I could stop getting hit at cocktail parties, my pay wouldn't go down one damn bit; we would take a nice write-off and go into another business. Of course, we would have abandoned a hell of a lot of workers, and that is why we won't do it. If we go out of business tomorrow, you might have to let some people off.

Mr. Jennings: If I could briefly respond to that, our April NIOSH/OSHA Work Group Report has quite a few pages devoted to the issue of smoking and health, and one of our initial conclusions that was stated on page 10 of the report was, and I quote: "Because cigarette smoking enhances the carcinogenic effect of asbestos exposure on the lung, particular emphasis should be placed upon this in any educational program developed under a new standard."

Mr. McKinney: Yes, but when you talk to the press, you don't say that.

Mr. Jennings: This report was issued to the press when we issued the report. And any press individual who has ever called me and asked me what is the nature of OSHA's position on the effect of smoking and asbestos, I will just read them the sentences in this report or send them a copy of the report.

The second question about the positive proof-- I would just like to encourage you to sit down and take a look at the NIOSH/OSHA document that was issued in April and look at what studies the authors of this report felt were particularly important in terms of their judgment that the current standard was inadequate.

And in terms of studies on their face which suggest that two fibres is inadequate, I would just direct your attention to the Berry paper -- That's about a year old -- and the paper that we heard earlier today authored by Dement et al that was presented at Cardiff.

Now, I am not suggesting or stating that it is the agency's position that those two studies on their face clearly demonstrate that the current standard is inadequate. But those studies on their face do indicate that the current standard is inadequate.

Mr. McKinney: Well, Paul Kotin has read all of those things and he still gives me the same advice. And I will

have him talk to you about it.

Mr. Jennings: Okay.

Mr. Charles Middlebrooks: Concerning the two fibres, Dr. Muir stated there is evidence to suggest that two fibres per cubic centimeter is not safe. May I write to you and get the documentation for that, sir?

Dr. Muir: I don't recall making such a statement.

Mr. Jennings; In response to the statement about what people should feel leaving this room about what OSHA thinks about asbestos exposures, to try and sum it up, OSHA is concerned about any occupational exposure to asbestos. We think that is the only responsible public health response in light of the demonstrated proof, that nobody disagrees with, that asbestos causes asbestosis, lung cancer, and mesothelioma.

Mr. Middlebrooks: At certain concentrations, certainly.

Mr. Jennings: -- At certain concentrations. And we feel that the only responsible public health approach is to be concerned about what the possible effects are at much lower exposures.

I am not suggesting right now that we have come up with a firm conclusion that this standard right now is totally bad. That is what a rulemaking is for. But I think people should have concern about low exposures.

Dr. Muir: We are in the process of carrying out our rulemaking activities, and developing risk assessments, which

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will bear upon and at least tangentially address the risks in the workplace with our standard. We will be happy to supply that information to you and we will be circulating it to all the others. I think you will find the information in there which would support the conclusion that the two-fibre standard is certainly not zero risk in our conclusion.

Mr. Middlebrooks: The other question I had concerned the newspaper, the media statement by OSHA that in the coming year, 58,000 people will die as a result of asbestos-related diseases.

Now, I wrote to Dr. Bingham on this and somebody in Dr. Bingham's staff answered me and said that the statement should have said "may die," that it was based on rates that were based on exposures in previous years, not in future years.

I never did see any public retraction of that. It didn't seem to me very responsible on OSHA's part, to say they will retract and then retract only in a private correspondence but refuse, even after a request from the Asbestos Information Association to retract it publicly.

Dr. Muir: I am unfamiliar with the incident that you're referring to. I'm sorry. I can't respond to it in any way.

Mr. Wyatt McCallie: In the past few months I have heard from representatives of each of the three agencies who represented the statement that, "There is no safe level of exposure to asbestos or any other carcinogen."

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I take it that that statement is intended to be the statement that there is no know threshold. Is that what the agencies mean when they make those statements?

Dr. Muir: I think essentially that is correct. I think one is equating safe with zero risk, as opposed to not equating safe with acceptable.

Mr. McCallie: What responsibility will the agencies take to explain to people that they are using the word "safe" as absolutely no risk, rather than in the way the public perceives it, to mean acceptable risk? I know that Dr. Lorance, who wrote the book Of Acceptable Risks, states that the scientific community interprets the word "safe" to mean that the attendant risks are acceptable and the agencies are using the word "safe" to mean no risk.

And what responsibility will you take to see that that special use of the word "safe" is corrected?

Dr. Muir: Well, in general in our documents we are not using the term "safe" at all; so we are not attempting to make sure that it is perceived correctly.

I can't speak for the others. Basically it is that particular concept that we haven't felt to be very useful. We are basically evaluating risk and the reasonableness of it.

Mr. McCallie: Would it be fair, then, to state that in the future the agencies would take some action to see that their employees are not making the statement that there is no known safe level of exposure to a carcinogen?

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Mr. Jennings: Perhaps I am not as sensitive to the use of that word as I should be. But the way in which we worded it in this document that we came out with in April was that evaluation of all available human data provides no evidence for a threshold or for a, quote, safe, unquote, level of asbestos exposure.

And maybe that perhaps is having the dire consequences you are indicating. But I think it is clear on its face that we don't know where a level is that people would call safe or below which you are not going to have disease response.

Dr. Muir: Perhaps the problem is in the public's perception of the word "safe" as being equated with zero risk.

Mr. McCallie: The public, I don't think, does interpret that. The public is eating peanut butter that...

Dr. Muir: I can't speak for the public as a whole. But I think that when people hear the word "safe," they are thinking that there is no risk associated with that.

Mr. Gross: I guess my view is that the government has an obligation to speak accurately, as does industry, about what that word means.

I would not endorse a statement that said that there is no safe level and therefore you should avoid any possible contact with that carcinogen any more than I would be as comfortable as my brother to my right is asserting that

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there is a perfectly safe level below which any reasonable person would have to agree that it is safe.

What is important to me and what I think the government and industry have an obligation to inform the public about is the extent of the controversy, that there is concern, that reasonable scientists and reasonable regulators and reasonable attorneys differ, reasonably and in good faith, as to what level of exposure is acceptable, given the concerns about employees and given the concerns about profits and given the concerns about safety, all of which are legitimate concerns. The public is entitled to know that such a debate is going on. And not to hear from the government that you have to stay away from every possible carcinogen or to hear from a manufacturer of a possible carcinogen that it is perfectly okay to be in contact with it, neither such statement is a very helpful way to educate the public about whatever possible risk they face in their lives.

Mr. McCallie: In interest of time, I will just close by saying I will undertake personally, then, to send each of you every single phrase that I see by any of the members of your organizations where the statement is made. There is no safe level of exposure to something. Because I think that is misleading, I think it is drawing a conclusion, and I think you have recognized that. It is not the same statement as there is no known threshold level.

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And we will undertake to keep you informed of what your employees are saying.

Mr. Jennings: Perhaps you should urge Congress to change the title of our Act.

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Remarks

Mr. Joseph McCaffrey
Washington Congressional Reporter

Mr. Joseph McCaffrey is a congressional reporter broadcasting daily over WMAL radio in Washington. His "Today in Congress" is the longest running sponsored program on the air in Washington, dating back to 1957. As a member of Sigma Delta Chi's Washington Hall of Fame, Mr. McCaffrey is the winner of five Emmys from the Washington Chapter of the Academy of Arts and Science.

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Remarks

Mr. Joseph McCaffrey
Washington Congressional Reporter

Good evening, Ralph Nader fans.

(Laughter.)

How are you? I am supposed to say something nice about asbestos. Something nice about asbestos?

(Laughter.)

I have a farm about 90 miles from here in Virginia. And about a year ago I was out cleaning the stables on Sunday and my neighbor, who is 85 years and works 200 acres every day of his life, came over and grunted and sat down on the fence and watched me for a while. And I had this manure spreader half full and half empty, depending on whether you're an optimist or a pessimist, and finally he said, You know, he said, you do quite a job. He said, You're pretty good at this. Well, I thought, you know, I may make a career out of farming after all, and here's a real pro telling me I'm doing pretty well. And he said, But why shouldn't you? He said, You do it every night of the year on radio for a living.

(Laughter.)

And so that is by way of introduction.

Last night in this town -- I say this town, including Virginia and Maryland and the District of Columbia -- the wittiest man in Washington and maybe in the country began

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a two-month stand at the Shoreham Hotel. He is without a doubt one of the funniest political humorists in the country. His name is Mark Russell. Many of you may know him, because now he is doing a lot of public television. He has also been on the Tonight Show and many other things. And this, of course, is his great year for political humor, a presidential year. The only trouble is, the candidates are funnier than Mark.

(Laughter.)

And this is a great challenge to him, and I want to go over next week and see how he handles it.

But you have to give Govenor Reagan a lot of credit. Here is a man who came into a campaign and we had all these issues, and he brought in, unbeknownst to any of us, a lot of issues we really hadn't thought about. For instance, he brought in the Two China Policy--his and Bush's.

(Laughter.)

And then he brought in that great issue that was such a winner back in the late '60's and early '70's, Viet Nam. You know, there was a loser to begin with, and he has brought it back again. I guess he may have a new angle.

And, then, of course, an issue we haven't heard of since the '20's, with good old Clarence Darrow, Henry Mencken, and William Jennings Bryan. The Darwin theory.

(Laughter.)

He brought in the Darwin theory.

So we have got some things going in this campaign

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that we have never had before, at least not in the last few years. And I think it ought to make it very interesting.

Actually Govenor Reagan has been talking too much. And so George Bush has talked to him and he said, You ought to bring more acting into your speeches. And he said, You ought to model yourself after Marcel Marceau.

(Laughter.)

Now, of course, I see by the papers that Mr. Carter has gotten back his big campaign aid. It is the campaign aid he used to throttle Teddy Kennedy all during the primaries - the hostages. He has now got an excuse to go and hide in the Rose Garden again.

Remember that Kennedy couldn't get him out of there. Every time Kennedy would say "Come on out and debate me," he would say, "Shh, I'm getting the hostages released." So now he is getting them released again. And that will go on probably until about the 2nd of November. And we may finally at that time get them.

Remember in '76 -- You always remember that campaign. '76, and Jimmy Carter said, I'll never lie to you. But surely in these last four years he has given us a lot of choices, hasn't he?

(Laughter.)

I feel sorry, though, for him. Here he is, born again and ended up with the same brother.

(Laughter.) (Applause.)

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And, you know, Billy Carter now says that he took the Libyan money for his wife, because he said he is a great believer in woman's lib, yeh.

(Laughter.)

Voices: Ohhh.

Mr. McCaffrey: They usually boo when I do that line.

Voices: Boo.

Mr. McCaffrey: I paid $3 for it and I thought I would keep using it.

But the candidates can't agree even on a debate. Two of them are going to debate each other. You know, it's like kissing your sister. This Sunday night Anderson and Reagan are going over there to Baltimore and Baltimore is putting up $150,000 because the Orioles aren't going any place and there is some doubt about the Colts. So they are going to fool around with this thing on Sunday night.

Now, as I understand it, Reagan won't debate without Anderson and Carter won't debate with Anderson and Anderson, hell, he'll debate the panda over at the National Zoo if we give him television.

(Laughter.)

You know, anything to get on television.

Tip O'Neill claims that Anderson is running because the presidency is a gleam in his wife's eye.

(Laughter.)

And that may be. Kiki Anderson is a powerful person. And when you talk about an Anderson in the White House you

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talk about somebody who is, you know, domineering, who is straightforward, who is convinced that it's right. Well, that's Kiki. Now let's talk about John.

(Laughter.)

But John has got a good thing going for him. He doesn't have a political party. He can say, Look at Carter, look at what the Democrats have done to his program in Congress. And if Reagan got in, Look what the Republicans will do to his program. I don't have any party, so I won't have that problem. What you see is what you get, just me. I'm all alone. Nobody else.

And Carter is running on a very simple platform, and I think it is a good one. He probably will win with it. He is going to say, Well, I want to save you the taxpayers money. Now, you spent hundreds and hundreds of thousands, even millions of dollars, for an on-the-job training program for me. And now that I have completed it, I will do for you in '81 what you thought I would do for you in '77.

(Laughter.)

And it makes a lot of sense. It really does. It makes a lot of sense when you think about it.

For his part, Reagan says, Look at this man, look at his record. You know, anybody can do as well as that man, and I'm anybody.

So that seems to be your choice.

You know, the amazing thing about this Congress, -- which is -- It's the thing with the big light on it, if you

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look out your window and you're facing the river, over there. That's where Congress is, Capitol Hill -- is that we won't be able to know what it did until after the election, which is a good way -- You know, it's like taking care of your business and not having any final result when the board meets and so they don't know what the hell you're doing and you take care of it after they leave town. Well, this is what is happening with Congress today, because the budget for '81, Fiscal '81, the end of that year begins -- This is a very unusual Congress and it is the first time that Congress is going up for re-election, all the House and a third of the members of the Senate, without having finished work on the budget for that fiscal year. And that is what is happening now.

The budget for Fiscal '81 -- And Fiscal '81 begins October 1 -- will not be completed until Congress comes back here on the 12th of November. And the Democratic leadership is very proud of that, because it may save a lot of their bodies in the November 4th election. But it is no way to run a railroad nor a legislative body.

Now, this, I think, is probably the greatest city in the world for appointing commissions and committees, and I would be content if we abolished all committees and all commissions, if we would come up with just one commission, and that would be a panel that would be called the Commission to Find Out Where We Are Going, because one of our frustrations today, I think, is that we really don't know where we're going.

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We are faced with many contradictions. For example, we have never before spent as much on education as we are doing today, and yet we are turning out a lot of dunderheads.

A month ago a new report came out that said within about 20 years it is going to be very difficult for us to communicate with each other because people just are not able to write intelligently. And can you imagine, when we have got trouble enough with office memos today, when people who can't write are sending you memos that you have got to figure out and decipher?

There are other contradictions. For example, crime goes up and in almost every city, every major city in the country, we are cutting back on our police force.

In Houston, Texas, for example, right now they are short 3,000 officers. And an officer there said, We don't patrol any more, we just run from one emergency call to the other.

And there are others. But just let me cite one that probably you are rather familiar with, and I think it is vitally important. You know, we are greatly worried about our military strength vis-a-vis the Soviet Union. Even Mr. Carter has in this election year suddenly become a hawk; he has recommended more spending for the defense budget. And yet our greatest danger in our sparring match with Russia is that we are neglecting competition for foreign minerals. We have expressed the fear that our future is in the hands of OPEC

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that nothing receives the attention it merits. Frankly, looking ahead to next year, I would just as soon see Congress take a sabbatical for the first six months of next year, from January until probably the middle of August.

In the last ten years or so, Congress has become more and more involved with trivia, and it is time that Congress thought before it acted, and I think it should take some time to do a little thinking.

Now, this is an election year, but I don't know how many people here in the audience really care. Most people don't care about our elections any more. Let me point out the figures on voting.

Jimmy Carter was elected with only 26 percent of the eligible vote in this country four years ago. 26 percent. In 1968, 60.9 percent of the eligible voters voted in the presidential election. In 1972, 55.4 percent voted. And in 1976, 54.4 percent. That is the lowest voting turnout we have had in over 30 years. But it gets worse than that. Ed Koch was elected Mayor of New York by the votes of only 12 percent of the eligible voters. 12 percent. That is shocking.

In New York State, Hugh Carey was elected with the votes of 18 percent. 16 percent voted against him. 66 percent did not bother to vote.

And the prediction is that in this presidential year we will drop in total voting below the percentage that we reached in '76, which, as I said was a record.

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because of our oil dependency. Well, there is a greater danger that we could lose the race for the basic materials which fuel our economy.

Russia is playing its game in Africa and has been playing that game for one reason - the great natural resources that can be found there.

In our case we import more than 50 percent of 23 critical minerals. We import 100 percent of our manganese, cobalt, chromium, and platinum, most coming from the Southern African region. What happens if this flow is disrupted? Well, without chromium or cobalt, we couldn't build an auto, a computer, a cutting tool and other high-technology equipment, we couldn't build an oil refinery or a power station. In the long run, there are alternatives to energy resources, but there really is no effective substitute for cobalt, manganese and chromium. And we have to step back and see the competition with Russia on a much broader scale than on purely a military scale.

Russia has outspent us militarily during the '70s, in almost every year of the '70s. But the area of our critical mineral needs is vitally important. And if we named a Commission To Find Out Where We Are Going or Where We Should Be Going, I think this would be one of the top things on the list of recommendations that commission came out with.

Unfortunately, today, without an outline for our priorities, we have so many things demanding our attention

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Democratic speaker, had good relationships during his final term in the governorship. He listens. And Democrats generally say that he was not a bad Governor. Some even give him higher marks than that. But not one Democrat she talked to was really critical of his term -- two terms as Governor.

One worry, some of the people who know him state, is that he has a passion for foreign affairs and yet has a very limited background in this area. Many feel, most feel, in fact, that he will recruit highclass capable people in Washington. He was able to recruit very good people for the state government in Sacramento. He has a good one-on-one personality with people he deals with, whether they are in business, industry, labor unions, or what.

And in Georgia she found some interesting things about Carter. He followed the same script in Washington, D.C., in '77 as he followed in Georgia. He was elected as a very very popular candidate. But then he walked into the mansion with his entourage and more or less closed the door. He became isolated, he talked only to those who were very close to him, and he had very bad relations with his Legislature.

And yet Georgia -- And I might point out that California will again go for Reagan, perhaps not by overwhelming numbers, but will go for Reagan. Georgia will also go for Carter, although not, this time, with any great enthusiasm. He is regarded as a headstrong man who somehow has disdain for

You know, men vote more than women, and I guess there are reasons for that. The secrecy of the voting booth, of course, is one of this country's greatest strengths. It gives us the opportunity as men to check our leaders, to exercise our rights, and to check our zippers.

(Laughter.)

Two months ago a reporter came to me and said, if you share in the expenses with a newspaper that I represent, I will spend about 15 days in California and I will spend 15 days in Georgia just running through, talking to people about what kind of a governor Reagan was, what kind of a governor Carter was. And so this past week I received a big file from her and some of the things that she had to report I thought were very interesting.

She said that the image that the Reagan people like to project about the Governor of California, Reagan's govenorship, is that he brought down taxes, he cut spending, he changed welfare around, and she said this is a little off base.

Generally she has found that most people, Democrats and Republicans, who worked with the Administration, either from the legislative standpoint or in the state offices, regard Reagan as a quick study and that he is great on delegating authority, perhaps delegating authority a little too much. But after the first term and a rough time with the Legislature, he made his amends with the Legislature and, thanks to the

advice, has a feeling of superiority, which may explain why he has seemingly downgraded the Congress. He doesn't approach government as three equal branches.

I think that presidents tend to become isolated, and I think that is the very nature. And I think men in politics -- And this may be true of people in business -- sometimes would rather have people who may not be the best available, but they have the loyalty that they seek and need. This is very important in politics.

And the isolation of the presidency is an interesting thing. Just prior to Jerry Ford taking over as Vice President -- And I had known Ford since he first came to the House -- I had a talk with him and I said, You are eventually going to be President, because this guy is going out. And he said, No, Dick is going to stay there. And I said, Well, just wait and see. But I said, If you ever become President, you know that you can draw on the greatest brains in the country. You don't have to abide by what they tell you, but you can get this input. And he said, That's right. And he said, You know that was Dick's trouble. He said, Dick kept narrowing the group around him until he came down to Haldeman and Ehrlichman, and that is all there was. And he said, This is why he's in trouble today.

But I noticed that after Jerry had been there about 18 months, the circle narrowed around Ford too.

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Because I think you tend to lean on people that you can trust, people you can rely on. And you question the motives of people who come in and offer you advice.

I would like to throw this open for questions in a few minutes. There are two things I would just like to touch on very briefly, and I will head off a question on the debates.

I don't know what the debates will prove. I think Carter made a great mistake by not agreeing to debate.

Now, I think that Reagan has an advantage Sunday night. Because people in my business have told you this, that Anderson is such a tremendous speaker and he is so fast on his feet and everything, I think that Reagan will come into that debate as an underdog. So he has got a great chance to look good. And Anderson is in a kind of everything-to-lose situation in this case.

Questions and Comments
(Mr. McCaffrey)

Dr. Kotin: Do you think that this conservative swing, so called, in America is a real thing or do you think it is people wanting to believe what they want to believe in terms of the move to the right?

Mr. McCaffrey: No. I think the conservative swing is a real thing, and I'll tell you why. There are several

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reasons for it.

I think the middle class is beginning to be heard from. A great many of the newer members of Congress from the Class of '74 and '76 are more representative of the middle class than some of those who were here before.

And I think that you will find, maybe among your own acquaintances, you will find people who will say, Well, I'm the person who is paying the bills and I'm the one who is being squeezed and the benefits are going to those people who are not paying the bills, and so therefore I want a little more representation.

This Congress is more conservative than the last one. I think, regardless of how the cards fall on the open seats and some of those that will change in the election this year, that most of those seats will be conservative and the next Congress will be more conservative than this one.

I don't mean -- I'm not talking about a Jesse Helms type of conservatism, which is far out. I was on a panel last night with a Republican Senator whom I kiddingly introduced as a conservative, until Jesse Helms came to the Senate and Humphrey came to the Senate from New Hampshire and Jepsen came to the Senate from Iowa. These people are pretty far out. And this Senator said, Well, you know, if they keep coming in like this, I will eventually end up as a kind of a liberal without having changed my ideas or anything else.

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I don't mean that. I mean a conservatism and not a -- a swing to the far right. But we are also in some areas swinging to the far right through the Moral Majority and the other single-issue groups.

Questioner: Reagan has been saying that he wants to do away with overregulation of industry, but he basically says sort of in a very soft voice after that, "Except in the health area".

What did your researcher essentially find out in California was his record on environmental type matters out there?

Mr. McCaffrey: I do not have anything on that. The only thing I have, also that I didn't talk about, is that he did cut down on fraud in welfare and he did pretty well, but the welfare rolls were not reduced, although the welfare rolls probably were a little more legitimate than they had been before.

But I think that if you will look at Reagan and the people around him, I would think that you would find a greater willingness to cut down on regulation. In fact, this panel last night, one of the people who was on it was Wendell Ford, who has been highly critical of the Federal Trade Commission and one time stopped it dead in its tracks for about three days and got involved in it because he is from Kentucky and they were browbeating Brownson & Williams -- Is it Brown & Williamson? It's the tobacco firm, anyway. And so as a result, he became

very active in it and referred to the fact that the FTC at one point wanted documents that would have taken them about three years to put together and it would have probably cost a quarter of a million dollars. He said, This has to stop. And so as a result, he has a kind of an oversight now on the FTC.

It is not the laws that are enacted that you are up against. It is what happens to the laws after they go to the Administration to be administered that is the problem, especially where you have a law that maybe reads for a page and you end up with regulations that go for maybe 50 pages.

And I think there is a feeling now on Capitol Hill in both the Senate and House that something has to be done about it and I think there is more of an awareness of it.

But I think that Reagan would make these changes, and that perhaps even the Carter Administration will start backing up.

Questioner: Do you think any administration can significantly roll back the regulatory scope and size?

Mr. McCaffrey: It depends on what you mean by "roll back." If you mean just go back to the days of McKinley or something, no. But I do think there can be more reasonableness.

I said to one of the gentlemen at the table today, Do you find that the federal regulators are arbitrary?

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And he said, Definitely. And I think this is one of the complaints. And it is one of the things that I see here too. There is a great arrogance on the part of many in government today, and it is reflected in not only what they do, but more in how they do it.

And I think that you are going to get away from that, you are going to have to get away from that, or else you are going to stifle business and you are going to stifle international competition.

Questioner: Joe, are you willing to commit yourself as to a prediction?

Mr. McCaffrey: Well, I hate to tell you this, but I think Carter will be re-elected. But I am not as positive about that as I was, let's say a week ago.

I think what happened yesterday when Carter started talking about Reagan as a racist--Whether he did it directly or indirectly, that is what he was talking about. A friend of mine said some time ago, You know, you may say that Carter will be re-elected because you feel that the power of the incumbency is so great that he just can't lose. But he said, I'll tell you something you're overlooking and that is that there is a certain arrogance about Jimmy Carter and a certain domineering trait about him, so that when he gets out in that campaign, he is going to be ruthless and he is going to try and pull out everything that Reagan ever said, which he has already

started to do, going back to quotes of 1964 and beyond. And he said, By the time you come to the last week of October, you are going to find people who originally might have been for Carter saying, "Gee, this Reagan is a pretty nice guy, but I'm worried about this other guy."

Now, it is interesting how people vote, why they vote. No one has ever figured out why or how they vote. But the personality of the candidates, I have always thought in many ways, means more than the issues.

Barry Commoner, who is also running for President now, with about 200 other people, had a column that was syndicated and was published in The Post the other day and the League talked about it. He went into Phoenix and a television reporter put a microphone up in front of him and said, Are you really a serious candidate or are you merely running on the issues?

(Laughter.)

Which I thought was a good example of television reporting.

Questioner: Joe, what do you think about the Anderson syndrome?

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I will just tell you one story about Jack Anderson. I can't use the exact quote, because it is not clean. But I was on a call-in show -- Is there somebody here from San Francisco? There is a call-in show out there that is very popular, from ten o'clock in the morning till one. It is the highest rated show out there. KOA, I think is the station. I was on that with Ted Koppel from ABC and Jack Anderson.

And I got there on time because I could find the hotel. So I was on for about 15 minutes and Ted came in late and so we were on together for about 18 minutes. And then Jack stumbled in and said, "My secretary gave me the wrong time."

He sat down and he said "Hello and he started talking. Afterward, I called Koppel down at ABC and I said, "Did you ever get a chance to say anything?" And he said:

> "Hell, no. I looked over at you and you were glazed, just sitting there. He talked the whole time, he talked about the fact that the Arabs had secretly financed the Carter campaign in '76 and he had all this evidence. I was going to lean over at one point and say, Jack, 'you're full of meadowmuffins.' (Laughter.) And then I was going to sit back. But, you know, he's such a nice guy personally. But the thing he was talking about had been offered to us by the informant that gave it to Jack. We could never verify it, they could

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never verify it, and so we never touched it. But with Jack it doesn't matter. Jack used it because it is a good story. Jack works on the theory that if you hit one out of 30, you're doing pretty well."

Questioner: Do you have a forecast on the party head count, House and Senate, for the next Congress?

Mr. McCaffrey: I thought, up until the Democratic Convention roughly, that probably the Republicans might take the Senate. I don't think so now. But I think they will come within striking distance of the Senate in '82. I think they will come within maybe two or three, which, given the coalitions we work with today, when on every vote there is a different coalition building, will make it rather interesting.

In the House I think they need about 59 Republicans. I think they will only pick up probably, at the most, 35, if things look good.

There are, incidentally, I should tell you, a great many interesting senatorial countests. And I think one mistake we make in this country -- Does this bore you because you are from Belgium? Does it bore you?

Mr. van der Rest: It's quite interesting. Thank you.

Mr. McCaffrey: Well, you're a gentleman. You'll always agree. You're so nice. Europeans are so very courteous. And so he's staying awake. It doesn't mean anything to him, but he is staying awake.

(Laughter.)

But there is one thing in this country. We over emphasize the presidential races and we don't spend enough time and attention on the congressional races. And yet they are vitally important. And there are, as I said, a great many excellent ones, exciting ones, more so than any I have seen in over 35 years that I have covered politics in this town. The New York senatorial, for example, and the Connecticut senatorial.

The Illinois senatorial is a very interesting one where you have got two people competing for a seat that is open, the Stevenson seat that he is giving up.

Warren Magnuson is running for re-election in the State of Washington, Chairman of the Senate Appropriations Committee, one of the most powerful men in the Senate. The other night I said to this guy "You know, he doesn't walk too well." He said, "No. He's a guy 77, but he walks like a man of 95." And that is not going to help you when you're out on the stump.

It killed a guy from New Jersey, the fellow that Maguire beat, Widnall. Widnall had something wrong with his hips; so he shuffled on the stage. So Maguire, a Democrat, arranged to get as many meetings as possible with a big stage so he would have to shuffle across the stage. Then Maguire would trip out happily and say, Hey, I'm young and eager and active.

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I think the age factor may count against Reagan in some ways. But there are so many old folks running. You know, you've got Magnuson running. You've got Hayakawa, who is still here and alive, although he is not awake.

(Laughter.)

And you've got Jack Javits. So, you know, the age thing cuts both ways.

Questioner: Getting back to this question of the swing to conservatism, divorcing defense policy from fiscal policy and concentrating on fiscal policy, it would be apparent that the Federal Reserve Board has adopted the philosophy of monetarism, or it is approaching that, and the contention is being made that it doesn't really matter who is elected, that the fiscal policy subsequently in terms of business activity is going to be set by the Federal Reserve Board.

Would you care to comment on that?

Mr. McCaffrey: I think the Federal Reserve Board pretty well listens to the Administration, though. I think you will find that, over the years. I think a lot of influence can be brought to bear by the administration in power.

You know, one thing, you are going to hear this in your own campaigns for the House and the Senate, all this business about balancing the budget, you are either for it or against it. Everybody I have ever found who is a member of Congress is for balancing the budget. And the problem is How do you balance it? Because what I want to cut, you

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don't want to cut; what I want to increase, you don't want to increase. So there is a great conflict.

I think there was some possibility of coming within range of a balanced budget up until the recession, which has cost us a tremendous amount in revenue. It has also cost us a lot of money in food stamps and many other benefits. But now it is out the window and it is out the window for, I think, a period of at least three years before it can seriously be considered.

I moderated a Congressional panel the other night in which people were talking about the balanced budget as if it was something that you turned on and off like a hot water faucet. And it doesn't work that way. Although it has great appeal, I will admit to you, because if you had a balanced budget, if you cut down on the deficit, you wouldn't have the interest rates being forced up.

I will say this, --I think we are hoist on our own petard as far as the cost of living and inflation are concerned. We have built in automatic pay raises for everybody almost in the world based on the cost of living. So when the cost of living goes up, you push up everybody's pay, you push up the government workers' pay, the military people's pay, and so as a result you just are inviting another upward cycle of the inflationary spiral. So that we are kind of hooked here in many ways. I don't think we are hooked enough that we are going to stay at the present

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rate; we can come down. But there is always this built-in inflationary factor that is harmful to us.

Yes.

Questioner: You haven't commented at all on the situation in the Near East. Do you have any thoughts on the impact developments there might have on the election or in general?

Mr. McCaffrey: All I will say is this, that in almost any part of the world something that happens will have an impact on this election, and almost anything that happens internationally probably will be of aid and comfort to Jimmy Carter.

For one thing, if it's bad, we will rally around him and give him our support. And if it's good, we will credit him with it and praise him. So this is another built-in advantage that an incumbent has.

Dr. Kotin: What do you think about the future of nuclear energy in terms of how members of the Congress feel about it, in light of its controversial aspects?

Mr. McCaffrey: I am speaking before the Public Utility Commissioners of the District and Maryland in Maryland on Saturday, and I have been working a little thing on it.

You know, until we resolve in our own minds, a majority of us, what we want to do about nuclear energy, whether we are going to be for it or against it, we are going to be losing ground, if ultimately we go ahead with nuclear energy. We are losing ground and have been losing ground for some

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time.

If we are continuing to put out people who are going to be picketing at every nuclear site, if we are going to have this debate which is still rather indecisive in both the Senate and the House, we are not getting any place.

Now, hopefully eventually this debate is going to lead to some resolution as to what we are going to do. If we are not going ahead with nuclear energy, then we should decide that and go ahead with other resources.

But I think that nuclear energy is inevitable and I think that eventually we are going to reach that conclusion, but in the meantime I fear that we are losing very valuable time.

That is all I would say about that.

Questioner: Has there been any reaction on the Hill to ABSCAM revelations?

Mr. McCaffrey: Oh, yes. Everybody says, Not me, baby.

(Laughter.)

Oh, no, not me. No. That's the other guy.

No. The ABSCAM thing -- I have followed the testimony of Myers, and, you know, it is just disgraceful that a guy like that could be in Congress, and I apologize to all you people from Philadelphia for saying that.

And I have followed the Jenrette case in South Carolina and also it is kind of disgraceful that a guy who would operate that way is there.

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You know, it is an interesting thing. I talked about the lack of voting participation. And this has all happened in the '70s. And we have had more scandals involving members of Congress as our voting interest declines than we have ever had. And I don't know whether the two are related or not. It may be.

When I talked before a group last week about people not voting, somebody got up and said, Well, what difference does it make?

Le me tell you what difference it makes. Today there is a group known as the Moral Majority, which is well intended. But it is using a bad rudder, I think. And the Moral Majority has already taken control of the Republican Party in Alaska because people wern't voting there. The Moral Majority is already very strong in many parts of the country. And the Moral Majority three weeks ago defeated a member of Congress in the Republican primary. His name is John Buchanan, in Birmingham, Alabama.

And let me tell you something about John Buchanan. He was defeated by the Moral Majority by ministers getting in the pulpit after services and saying, Let me have five minutes of your time, and then talking about the coming primary.

They also mounted a field force of 2500 people.

Yet John Buchanan is a minister of God. He is an ordained Baptist minister, who has had charges in North

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Carolina, Tennessee, and Alabama, and he is, without doubt, one of the most moral men in the U. S. Congress, although I would not agree personally philosophically with some of his positions. But he is a moral man.

And the Moral Majority has rated every member of Congress, and there are three people of the cloth in the House of Representatives. One is a Catholic priest; the other two are Protestant ministers. And those ratings are 8, 12, and 17.

There is a rating of 57 percent for a man named Myers from Philadelphia, who has already been convicted. There is a rating of 100 percent for a man named Kelly from Florida, who has already admitted taking $50,000 and stuffing it in his pockets and saying,"Can you see it, Is it noticeable?"

So that you wonder about the ratings that are issued by a group like this.

But this is only one of many single-issue groups that are organized today. And when you have a low voting turnout, when people don't care and don't go to the polls, it is the well organized minorities that are going to take control. And there are a few people here who go back to the '30s when labor unions -- and the '40s, when labor unions were fighting Communism. And labor unions in many cases lost this fight because it was the Communists, the 15 to 20 percent of the membership who stayed in the meetings past midnight, past two o'clock in the morning, past four o'clock in the morning, and ended up in control and took over.

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And this is eventually what can happen to Democracy if we are not voting.

Now, in conclusion, I would like to say to you that I may have been pessimistic in some of the things I said to you. But I have covered Congress for a long, long time and there are some excellent men and women who are serving there, outstanding, both in the House and the Senate. And I expect, no matter which way the cards fall in November, for more excellent people to come here. This is a good, strong viable government. But unless we take part in it, unless we are willing to make some sacrifices for it, it cannot remain a strong and viable government. And that decision, ladies and gentlemen, is up to you.

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Remarks

The Honorable Donald Ritter
Congressman, Pennsylvania

Mr. Ritter was elected to the United States House of Representatives in 1978. Prior to 1978, he managed the development of new research programs at Lehigh University in Bethlehem, Pennsylvania. He earned his Doctor of Science degree in Metallurgy at the Massachusetts Institute of Technology in 1966. He serves on the Science and Technology Committee and on the Banking, Finance, and Urban Affairs Committee.

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The Honorable Donald Ritter
Congressman, Pennsylvania

It's really a pleasure to be here with you this morning. I guess I'm talking to people watching an industry, looking at an industry or involved in an industry from many different perspectives, an industry which probably has had more impact from government regulation than any industry in the country.

The National Academy of Sciences, in a study published in 1979, entitled The Impact of Regulation on Industrial Innovation, stated that there is widespread agreement amongst businessmen, government officials, academicians that the declining trend in innovation in the United States poses a serious economic problem and, while the reasons for this trend are varied and they are complicated, there is, in our opinion, considerable evidence to support the hypothesis that government regulation is an important contributing factor in many circumstances.

The cost to the federal bureaucracy, that is, to the taxpayers, of regulatory agencies is probably on the order of $2 billion. That's the government cost. The cost to the American economy is estimated at somewhere around $100 billion, and in my own background, having been an engineering professor, having been a consultant to industry, having had a small business, having been out in the plant a lot, having worked with government, I get the feeling and at this point it's an intuitive feeling that much of our innovative talent, much of our capacity to sharpen our competitive edge, much of our

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ability to be a leader is being blunted by a pervasive and increasing intrusion by the regulatory apparatus. This is a serious question because we find ourselves in deep difficulty with the declining economy, with declining productivity, with declining competitive capacity with respect to our chief competitors, Japan and Western Europe.

Even the most anti-big-government amongst us is going to understand that regulation is here to stay. We live in a complex society. Many of the industrial processes and the products we develop can affect a broad segment of the population and some regulation in the area of environment, in the area of energy and workplace safety are natural to this kind of complex society. It's a proper function for the federal government but many people, including myself, are concerned that regulations have been developed to a much greater extent than they should be in a climate of emotionalism, in a climate of political maneuvering, in a climate of special interest politics, and the result of this has been a series of legal mandates for the regulatory agencies that in many cases are inconsistent with the actual risks of harm to life and health that these laws were passed to reduce.

You know, there's an article recently that was in the Wall Street Journal, August 25th. It was a second page headline, and it said basically "Recessions Cause Death Rate to Rise As The Pressures of Coping Take Hold" and it says here that over a 6-year period a one percentage rise in

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employment causes about 37,000 deaths, according to this study. It's a good study. I looked into it in some detail. There'll be more of this kind.

Virtually all major illnesses, virtually all major causes of death are affected by unemployment. Now, that is the absolute bottom line. It is not just -- in talking about risk, it is not just the risk that a worker or an individual is faced with in the workplace or in the environment but, by being unemployed and all that goes with it,-- and I won't go into the details of the study -- it is quite conceivable and quite rational, quite logical that the individual will be ill at a far greater rate than the statistical average of the population, and that he may die at a foreshortened lifespan.

Louis Harris and Associates recently completed a poll, Risks In A Complex Society, and it showed that, while a broad cross-section of people agreed that we face greater risks from science and technological advances today than 20 years ago, the majority of those interviewed felt that the benefits have and will continue to outweigh those risks. That's pretty significant because, if you really look at the risks that you face in the workplace, in the environment, in general from science and technological activities, they are less today. Now, the public believes they're more. They believe they're more because there is far greater discussion of what those risks are. There is far greater media influence and you only have to turn on the t.v. many evenings to get

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your pants scared off as to what the latest risks to health and well being are.

There are a great deal of studies going on. We have a scientific capacity through the wonders of chemistry to isolate parts per billion, parts per trillion of certain substances without knowing the first foggiest thing of what those percentages in our lives mean and it has been a great advance for academic researchers to simply study the effect on such and such in such and such lab animals and it's been a boon to federal agencies doing so-called exploratory research work and it may or may not be necessary. That's not the judgment here. But it is certainly the case. Of course, this gets out into the media which is largely nontechnical, nonscientific and you see the results.

We must, however, conclude from the public's view that the benefits do continue to outweigh the risks that a technological society and the scientific advances that we have seen are still positive with that public and, while the study indicates that sensitivity on the part of the public to risks, it also showed a surprising willingness that technology should continue in as uninhibited a regulatory environment as reasonably possible and I guess that's what I'm all about. I'm interested in a reasonable regulatory environment.

Thus, I think we need to reform the regulatory process so as to reflect what it would seem people are willing to accept, the fact that there are great benefits to be gained

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from continuing technological advances and I think we need those continuing technological advances and we must guard against the process by which all of the innovative capacity of the modern firm goes into meeting federal guidelines and being in compliance with law as of a certain date so that they don't need to shut down as of that certain date.

Alistair Cooke concluded in his book and t.v. series America, and I quote: There is no free lunch. There are risks and we cannot have the benefits of a technological society without these risks. The problem is how to integrate this kind of common-sense statement into the regulatory process. Not only is it common sense but, it's beginning to make some legal sense as well.

In its recent Supreme Court decision regarding the OSHA benzene standard, the court noted that, "Safe is not equivalent to risk-free." Furthermore, the court noted that the agency, in this case OSHA, does have an obligation to find that a significant risk is present before it can characterize a place of employment as unsafe and we had a discussion -- a gentleman at my table is from OSHA -- about the role of a regulatory bureaucracy like OSHA and I think this court decision has the effect of giving OSHA a greater view of its mission to look for this idea of significance. Although we all agree it's hard to pin down, at least, if you're looking for it, you're going to make less mistakes than if you're not looking for it.

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In the decision, the court recognized that regulatory protection is illusion where the actual risk is negligible. Such protection at negligible risk is wasteful and it turns off the innovative engines of the American technological economy.

Now, what impact this decision is going to have beyond the specific case is still difficult to tell but it certainly does add weight to my belief that the analysis of risk will see increased use by regulatory agencies in the future.

Any final decision regarding regulatory rules is by its nature political and involves a complicated mix of scientific, economic and social considerations. However, the process leading up to this final decision should be, and I think we should expect it to be as nonpolitical as possible and any movement towards regulatory reform should separate the objective scientific portion of the process from the more subjective political portion. Risk analysis and risk comparison are both part of an approach that can help to achieve this kind of important separation.

Risk analysis takes an identified risk, determines what the consequences of that risk may be, how many lives will be affected, what are the chances of health effects, what is the effect, how would this affect you and me, how does this affect the population in a health way and in a death rate way? That's analyzing the risk.

I'm not interested however, in an analysis that tries to take a situation to a hard number conclusion. I'm much more

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interested in comparing risks because, if you just use some of the same techniques, you may get a good feel for how one situation compares with another, which I think should still make a major input to this rule setting decision process.

Risk comparison tries to balance the consequences of one course of action versus one or several alternatives. Thus, you address the issue of replacing a product or process regulated out of existence. If you have nothing in its place, what are those risks? Therefore risk analysis would be used to compare the risks of alternatives like the health effects of direct burning of coal versus the use of synfuels. It would be used to compare the risk of different levels of regulation like the health effects of different levels of air pollutants or different levels of an environmental standard, such as a coke oven standard, such as an asbestos standard. Let's pick and choose our level at a point where we're reasonably knowledgeable as to what its health effect is and, if one level, which may be several orders of magnitude higher than another level, has similar health effects to our best knowledge, let's not go to the minimal level because we may turn off a whole lot of jobs, we may turn off a whole lot of economic activity and we may end up with something that's worse than what we started out with.

Most importantly, risk comparison seeks to explain to the public the magnitude of the particular risk in

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comparison with everyday risks. One of the recent examples of this comparison was given by the NRC during the krypton gas venting at TMI and it said: "To the maximally exposed individual, the risk of skin cancer would be equivalent to spending 30 minutes in the sun." Furthermore, for the average individual, the added risk for skin cancer would be equal to about a half a second exposure to the sun's rays.

Now that's the kind of analogy people understand and I'm not saying that's the be all and end all but I'm saying that, if we happen to know something like that and we know it sufficiently to make it public, then we've got to share it with the public and I think the public will understand. The public has been jerked around and scared out of its wits by bad information and we in Congress and we in the regulatory agencies in the government have an obligation to the public to at least get out some of our best data and our best information so as to give them the best possible view of what the actual data say, as opposed to getting all their information from sensationalism-seeking media.

I introduced about a year ago a bill that started off this concept of risk comparison, HR 4939 in the House, and this bill, of course, was the first attempt to incorporate risk comparison into the regulatory process.

We had hearings on this bill in mid-May and greater than 300 people crammed into the Aerospace hearing room for two days. We had people from the different agencies as well

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as industry and labor. We are redrafting this bill presently and it will come out in an upgraded, updated form that takes into account some of the criticism that we received.

I might say that at those hearings a number of congressmen representing interest in areas of food and drug were there. Jim Martin was there and he's been very active on the Delaney clause. Jim Scheuer was there, and he is interested in evaluating medicinal drugs. People were there from agriculture who are interested in the continued, intelligent regulation of pesticides in order to continue with our high agricultural output and productivity. People were there from judiciary who were looking at this from a legal point of view. In addition people from my own Science and Technology Committee, and also from Public Works who were interested in the effects of the Clean Air Act and Clean Water Act on our domestic energy output and capacity were there.

It was quite a multi-disciplinary exercise and it showed a very wide interest in this concept. We have been following up on the hearings with people from the different regulatory agencies, from OSTP, the President's Office of Science and Technology Policy. These meetings are leading into a redrafting of the bill which I hope will come through the Science and Technology Committee, prior to the adjournment. If not, it will be a first order of business in the new legislative session.

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I guess in my opinion the United States is entering what from an economic viewpoint may be the most critical in our post-war period. In the past the public, the business community, the Congress have become aware of the need for the federal government to regulate risks to the public and we're never going to return to the simple times of the past when there was no federal regulation. Nevertheless, we must seek a balance between the needs of this nation to continue to prosper and to flourish and the desire to reduce to minimal magnitude the risks that people pay and the risks that people take.

As the Harris poll pointed out, people are willing to accept what may be termed acceptable levels of risk. It's simply up to the political leadership to try and foster a climate whereby there is a balance between these dangers and the benefits and there is a knowledge of the level of danger and there is a regulatory capacity to somehow see these different risks in their true perspective, otherwise, this society will make the enormous mistake of trying to regulate out of existence with great resources negligible risks. We will put vast sums of money, vast sums of talent into somehow reducing potentially negligible risks further. This will serve no purpose other than to divert the country's best talent and capital and R & D towards looking for problems that may already be small.

You don't see the Japanese doing this. You don't see the Western Europeans doing this. It's not that they don't

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regulate but they may just have their act together a little more in a more cooperative and a more unified way between their business community and between their labor organizations and between their public at large, and between government.

You know, here we have quite an adversary situation in this regard. It's getting better with some economic difficulty pushing it to be better but there's still an enormous chasm between labor and management. There's an enormous chasm existing between government and business and the public is sort of caught in the middle of all this. In addition, you have an emerging industry called the consumerist industry, which include the public interest organizations which maintain a great independence. We're going to spend so much time in this country just fighting over who's wrong and who's to blame that we're cutting into the sharp edge of the technological leadership that the United States of America has maintained over such a long period of time.

I think now is the time for Congress to lay the foundation for such things as risk comparison within the federal agencies. We need and we welcome the input of the business and manufacturing community, the labor community, the government regulators and the public in doing the job.

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Questions and Comments
(Congressman Ritter)

Ouestioner: It's a proposal by Senator Bumpers that solid evidence be required to be the basis for regulations so that the agencies cannot just state assumptions and regulate on that basis.

Mr. Ritter: This is the Bumpers Amendment to what, the Senate version of regulatory reform or what?

Questioner: No this has to do with the conduct of regulatory agencies, EPA, OSHA.

Mr. Ritter: And this is an amendment to what?

Questioner: To -- I can't remember the basic bill.

Mr. Ritter: I think it's an excellent idea. Bob, here, will say that that's already being done but I think it's a good idea to have data and evidence before you go ahead and regulate. It's sort of a truism, you would think.

Questioner: The problem is the courts will not take upon themselves the responsiblity of deciding science and, therefore, they take the word of the agency or of the administrator. This is the problem and the Bumpers Amendment is directed toward that problem.

Mr. Ritter: I think that what the Bumpers Amendment is saying is something similar to what my risk comparison legislation is saying. It's before you make a move and you set a regulatory standard you should know what it means from

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the evidence.

New Questioner: Would you comment on the bill of the House Committee specifically regulating asbestos under TOSCA by Representative Beard of Rhode Island.

Mr. Ritter: I don't think it's going anywhere. That's why I'm not familiar with it. You know, bills are dropped into the hopper. Somebody wants to come across as the champion of the working man and he'll drop a bill in the hopper that says, "Asbestos is evil and I will lead you out of the deadly caverns of these people who are trying to do you in." This is the Naderite philosophy.

Ralph Nader came to my district, and I have no truck with him but he sure had truck with me. He gave a speech at Lehigh University denouncing me when he diverged from his talk on Scholastic Aptitude Tests.

(Laughter.)

So I figured I must really be important, there, when he could go from Scholastic Aptitude Tests to congressional denunciation but the interesting thing was the day before the dununciation, I had received a request for funds from Congress Watch, which is Ralph Nader's special interest lobby.

(Laughter.)

So they get you coming and going, don't they?

New Questioner: During the hearings on your bill there were also hearings on Congressman Wampler's bill

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that would set up what amounts to a science court to try to add some objective analysis to the risk assessments, in fact to make the risk assessments in a way in which it's not the adversaries and the regulators and their forces doing it. Both bills outside of the regulatory agencies themselves got a favorable reception, as you reported, but is there any thought to trying to marry your ideas with the Wampler bill in terms of adding objectivity into the bill for the initial risk assessment itself as well as the educational values you were talking about in drawing a comparison?

Mr. Ritter: I think there's a lot of merit in the science court. Again, society doesn't make its decisions around a bunch of scientists because that's just not the way a society should be run, I don't believe, but I think there really is merit in a science court somehow at some point in the process.

I'd like to think that the regulatory agencies themselves, given the right direction, given the right sense of direction from the President, from the Executive Branch, from the Congress, can do wonders in this area themselves, even without a science court, and they should be given a chance. I think, however, that the addition of a science court in some of these matters would be very helpful.

For example, I personally know of no scientific and technical body, in fact, no body around this town that comes out with as much good, common sense, as the National

Academy of Sciences. They do an excellent job. It's totally apolitical, which is great. Big labor isn't their great supporter, big business isn't their great supporter. They somehow have gotten a good reputation over the years and people have great confidence in their work. They could conceivably be extended into the arena of a science court.

New Questioner: Jim Martin spoke to us recently and he mentioned there were only three congressmen who had training in science and I know two of them but who is the third? Is he from Washington?

Mr. Ritter: He is Mike McCormack from Washington, who has perhaps almost singlehandedly preserved the nuclear option for the United States of America, if you've followed some of the debates over the years. Yes, Mike was a nuclear chemist at Hanford, which is in his district. Incidentally, in his district they just absolutely love nuclear. They've got the FFTF, experimental breeder reactor, the fast flux test facility, you know. All the jobs there are Davis-Bacon covered and their carpenters make $22 an hour and they just love it, you know.

(Laughter.)

New Questioner: Congressman, would you care to comment on the Environmental Protection Agency's current efforts on asbestos.

Mr. Ritter: I think again it's a case of they just don't have the right sense of direction and they're not

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looking at the real potential risk before they make their move. I personally believe that many of the regulatory agencies need a change in the sense of direction that they get from the Congress and that they get from the Executive Branch but I guess that might mean changing the Executive Branch.

(Laughter.)

And to some extent changing the Congress.

(Laughter.)

Questioner: Are you saying that the school asbestos program is in the wrong direction?

Mr. Ritter: You know, to be very honest with you, I'm going to refrain from comment on that because I haven't studied in detail the school asbestos program but I'd be very glad to get from you some of the data that might relate to my own interest in risk comparison and judging the levels of risk before regulatory action.

I'll have one more question then I've got to go.

New Questioner: Congressman, as a scientist, have you looked into the use of biological experiments to assess risk? I as a scientist worry about this because, for instance, in a big review article in organic compounds 70% were proven biologically active in certain kinds of experiments.

Mr. Ritter: I think, you know, it depends on the experiment and the experiment can give you data and you can find that there is some activity but the question is how much?

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And what does it mean? And until you know that it's better to refrain from jumping in with sets of regulations. I think there's great abuse of a lot of these so-called objective tests and I have staff looking very closely at EPA tests as to what exactly they did. It looks sometimes like the regulatory bureaucracies are looking for problems and, if they can't find them, they look harder. This should not be a generalization but it's coming out that way. It seems that too often the regulators are looking to provide more work for themselves. They enlist academic researchers in the task and they go to great lengths to somehow look for something dangerous. I think, you know, if something's really dangerous, I'd want to go after it and get rid of it, if it's really affecting health and life and safety.

But you can put an enormous amount of some of our best talent and resources doing some of these experiments to somehow look for activity and the activity may be at a very minimal level but according to law it might be at a sufficient level to regulate. This is a problem that we face and, again, this is where the idea of risk assessment and risk comparison must come in, because we're going to know more because we're scientifically more advanced in understanding the nature of chemicals and the nature of chemical actions on biological systems and you're not going to be able to shut the door on that, but you're going to have to be able to evaluate it.

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The Image of the U. S. Asbestos Industry

Curtis G. Linke
Senior Director
Corporate Relations
Johns-Manville Corporation

Mr. Linke is responsible for directing investor, employee and community relations programs for Johns-Manville. Prior to joining J-M in 1978, he was director of public affairs for Consolidated Foods Corporation. Mr. Linke graduated from the Indiana University School of Business in 1964 with a Bachelor's degree in Business and Journalism.

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Curtis G. Linke
Senior Director, Corporate Relations
Johns-Manville Corporation

I am pleased to open this mornings's session to discuss the general public's image of asbestos. I suspect that you already know how you feel about asbestos, and you're fairly sure you know what your customers think of it also. So my contribution will be just to present a point of view about the general public to which you can either nod your head in agreement or shake your head in dismay. At a minimum, I hope to give you something to think about.

First, let's take a brief look at where the image of asbestos has come from. As you've heard many times, the early Greeks used lamps with incombustible wicks probably made of asbestos; and the Romans used asbestos as cremation clothes to preserve the ashes of deceased persons of rank. The French Emperor, Charlemagne, had a table cloth of asbestos and impressed his enemies by passing it through fire to clean it. Obviously, the image of asbestos back then was one of which miracles are made. What happened between Charlemagne's time and the late 19th century, I'm not sure. But, in 1858 H. W. Johns founded a roofing and roof coating business experimenting with the then little used mineral called asbestos--an ideal choice because of its unique combination of resistance to heat and chemical attack, high tensile strength and flexibility. By 1915 there were many asbestos products, and old catalogs in use at that time

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claimed pride in the qualities of asbestos-containing merchandise.

An interesting aspect of product usage at that time is 85% magnesium, a high temperature insulation. It was used in World War I shipyards and for decades before without known health problems. Products with similar percentages of fiber were used in World War II, so why should the industry have expected there to be problems? And, why were there? Could it be the difference between cutting with knives versus high speed saws? An intriguing research project for someone . . . but back to my chronology.

Asbestos continued to be considered a valued mineral for thousands of applications through the 30's and 40's. During the war, asbestos insulation in our warships saved thousands of lives; and the general public didn't give much thought to the occupational hazards now associated with shipyard work at that time...there was a war to be won.

Up until 1963 the industry had essentially a positive or at least a neutral image with the general public. There was concern about the occupational health aspects of asbestos, but that was limited to the industry, those working with asbestos, and a select few scientists, medical doctors and government officials.

Then, in late 1963 Dr. Selikoff reported his findings on insulation workers to the annual convention of the American Medical Association, and these were published in the spring

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of 1964. The pace of confrontation then began to quicken during the latter part of the 60's, as perhaps did the pulse of those trying to keep up with the problems created by the legacy of inadequate medical knowledge.

Each week seemed to bring about a new media story about asbestos. The industry faced the spraying of asbestos question in connection with the building of the world trade centers. This raised questions in the national media about workers' safety, and ambient air quality, and a school boy in Asbury Park, New Jersey. OSHA was created in 1970, and asbestos was used as one example of why this new federal agency was needed. One of OSHA's first acts was a temporary emergency standard on asbestos. Simultaneously, the Environmental Protection Agency held hearings on an asbestos standard, and the Food and Drug Administration questioned the use of asbestos filters. All of these events created publicity, and a growing public familiarity with the word asbestos had begun.

But, a new asbestos standard was promulgated; and the industry, I suspect, relaxed a bit, thinking its problems would calm down. But such was not to be the case. Much was still going on, bubbling just below the headline level. Though the industry evidently didn't realize it, the pendulum of asbestos concern had swung from its occupational setting over into the general public realm.

During the 70's, asbestos raced on its way to becoming a household word, the result of litigation, publicity, and

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the perceived threat from the use of sprayed asbestos in ceilings, especially school ceilings, which in my opinion has been the single most devastating factor in establishing asbestos in the minds of the public as a direct threat, worthy of being banned, and in saddling the industry as one deserving of no mercy; despite the fact that the medical experts say the danger is negligible, if any at all. In researching the media coverage on asbestos over the past ten years, I found that clearly one-third of all the media coverage on asbestos has been related to schools and sprayed asbestos.

But there were other subjects as well -- Litigation publicity which is driving away your customers, outrageous charges by plaintiff attorneys, Califano's celebrated mis-statement, the great hair dryer scare, asbestos in drinking water, waste disposal, demolition, compensation, and public health. These are just a few of the other issues we have seen layed across the newsprint and spread over the air waves. The consequence of this is that today the image of asbestos is "not good." Let me describe it for you, not in my words but in the words of a reporter for the Boston Globe Magazine:

> "Between 8 and 11 million workers have been directly exposed to asbestos since the 40's and now about 50,000 people a year are dying of asbestos-related diseases.
>
> "The mining and manufacturing companies are still dickering with the regulatory agents

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about permissible parts per billion of asbestos in the air. And yet the dangers of asbestos have been clear for half a century.

"During the 30's and 40's asbestos companies gathered and suppressed information about asbestos and disease.

"Although asbestos has been found to be one of the most carcinogenic materials known, they (the manufacturers) decided to build it into the drinking water system."

So, the image is, that asbestos is one of the most carcinogenic substances known; nearly 150 people a day are dying because of asbestos exposure; and the asbestos industry is more concerned with profit than health and has covered up the hazard for decades.

That reporter's image is bad enough, but let me go into greater detail about what the general public thinks and how quickly the average person has changed his mind about asbestos and the industry. About two years ago, our advertising department did focus interviews with so-called "average people" in a major mid-Western city. The general impression at that time was one of, yes, asbestos is a problem; but it really doesn't affect me. No, I'm not worried. The government regulators will figure out what's needed.

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A more detailed research project is underway today, and the general impression of the average person is considerably different: Asbestos is a dangerous carcinogen, the industry should be taken out and hung for creating the risk, and big business always gets a fair trial so the public should be on the side of the little guy in any legal action.

Ladies and gentlemen, the shift in attitude in just a few months has been swift and catastrophic.

Well, so much for the past and current image of asbestos with the general public. Now I am going to take the liberty to share with you my personal thoughts about the future for asbestos in the public's eye -- or what, in my opinion, the future could be if the industry acts promptly and effectively.

First of all, I don't believe asbestos need be banned or regulated out of existence. At current standards, a future disease problem is not incubating, and the general public, according to a recent Louis Harris Poll, is willing to approach so-called dangerous chemicals and substances with a risk-benefit assessment, judging options case-by-case on merit. As Congressman Ritter said at breakfast, we owe it to the public to communicate risk comparison. Thus, the future of asbestos will be determined by (1) how well the industry communicates that the diseases we are seeing today were created in the past and (2) by securing an adequate means of providing prompt and equitable compensation to those

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deserving it, which is not only proper, but will stop the flow of litigation publicity which, as you well know, is scaring away customers daily.

The key audience for these messages, in my opinion, is the general public, because asbestos-containing products will continue in use, and compensation legislation will be passed only by public consent.

But it will not be easy going. First, answers and positive actions must be provided for the questions being raised by the regulators and the public. Secondly, we must effectively communicate the facts, as they now exist and as they are developed, through the public media.

Many of you are disagreeing with me on the importance of and need to work with the media and saying, "what about the regulators"? Well, of course, what happens with the regulators will have direct impact upon the industry. But, I'm suggesting that the only remaining recourse available to this industry, if it wishes to preserve any markets before the customers switch to alternatives, is to take the broad asbestos issue of death and the risk of dying from asbestos exposure directly to the general public.

The discussions and actions to correct unwarranted regulation must continue at full steam, but that effort may take years; and by then, the markets will be extinguished by the hassle, not the hazard. Public

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opinion and the resultant pressure applied or not applied to regulators and congressmen is about all that can be effected in the time available. And, that public opinion will be formed by the actions of industry and by what the top decision-makers and the public sees about the asbestos subject in the media. The regulators are using the media for their purposes to accomplish what they cannot justify by science. Why should we not see that a balanced story is told? We can't expect to have only our side told, but we can neutralize the regulators' claim to represent public opinion by presenting our own facts.

A key factor in my believing that now is the time to aggressively package our story, and succeed where we have not before, is that the course of public attitudes has passed through the first two stages of public action---awareness and emotionalism---and is now on the downside of the curve, ripe for the third stage -- education -- which precedes the fourth stage --- policy action. Working with the media is key to this education. Broadcasters and reporters depend upon ratings and circulations for survival and success. And, whether you like it or not, we all must come to accept the fact that, when dealing with the media, it is their ball game. Industry must play by the media's rules. We will have little success in getting the rules changed to suit our needs.

Most reporters do not sit up nights trying to figure out how to destroy this industry. In fact, during the

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past three weeks or so I have talked with bureau chiefs and reporters in Washington, Denver, Boston, Atlanta and Los Angeles. Almost without exception, the response I got when I brought up asbestos was, "Well, I haven't thought about that in a couple of years. Has something new happened?" The message was clear --- the media is not thinking about us daily, even though we may think so. What does happen, however, is that from time to time a reporter comes across a story or is given an assignment on asbestos and has about three hours, or, at the most, three days to become an instant expert on the subject. This is typical procedure for all media. Become an expert today; go on to a new subject tomorrow, and become an new expert. This approach limits industry in trying to work with the media, and it's frustrating because it is a constant job of re-education.

But, that, ladies and gentlemen, is the point I want to make, that is the big opportunity for us. We do have the opportunity to educate, to train the person who will write about us. In order to do this effectively, we must be prepared with facts and with concise answers. For too long the industry thought the problem would go away, and never fully faced its responsibility to cooperate in a unified formation and communicate as one. And then when it has tried to tell its side, it was too complete, too factual. Trying to cover every innuendo, sublety and

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nook and cranny when we were misunderstood because the reporter did not have the time to understand the complexities, we faulted the media. Rightfully so, in many cases, because reporters have not done competent, objective reporting of the issue, and many have approached the subject with preconceived storylines. But, whatever, the fact remains -- it is their game. We must play by their rules. We cannot change the facts, but we do have a positive story to be told; and there are editors who will tell it if we package it properly. The media, in fact, I believe could become our strongest ally in assuring a fair and equitable solution to the controversy the industry and its individual members now face.

If the editors of the media won't tell our side accurately, then we must still make the media our tool-through advertising. Frankly, where else can we turn within the time we have available?

In a nut shell, the asbestos industry must recognize (1) the media as a communication vehicle available for our use, (2) reporters as individuals short on time and desiring quick education and (3) that the commitment of resources by the industry and its members to provide an adequate and effective response is an investment as important as anything else to be done. It's one thing to have all the facts; it's another to marshall those facts and be willing to go out and do battle. If this industry is worth saving, then

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it is worth the effort to tell the story. If there is a desire to extend the asbestos product life by a few months or years, then it's worth allocating commensurate resources.

A lot of communication is underway, but more needs to be done not only with the public, but with customers, employees, labor and every group affecting the future of asbestos. Communication is not a panacea; it will be hard work, and it will not always be successful. But an informed public, informed through a properly educated media, in my opinion, is the only alternative available that can produce results fast enough to assure that the industry will receive fair treatment and not be badgered, banned or bankrupt out of business.

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The Image of the U. S. Asbestos Industry

Matthew M. Swetonic
Vice President and Deputy Director
Division of Environmental and Consumer Affairs
Hill and Knowlton, Incorporated

Mr. Swetonic joined Hill and Knowlton, the world's largest public relations/public affairs consulting firm in 1973. He handles public and government relations problems in the occupation and environmental health areas for a wide variety of clients in the chemical, plastics, cosmetic, mining, and food industries. Prior to joining Hill and Knowlton he was the first full time Executive Director of the AIA/NA. Mr. Swetonic holds a Master's degree in Science Jounalism from the Pulitzer School of Journalism at Columbia University.

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Matthew M. Swetonic
Vice President and Deputy Director
Division of Environmental and Consumer Affairs
Hill and Knowlton, Incorporated

Basically the public image of the asbestos industry today is indeed lousy. I don't think there is any question about that. The awareness of asbestos as a health hazard is really pretty high across the country. You see relationships mentioned in the papers, this particular chemical is bad or that particular chemical is bad, but thank God it's not as bad a asbestos.

It is continually being used as an example of a hazardous substance. I had a client within the past two years who tried to defend himself against charges of occupational health problems from OSHA by saying that his product was not as bad as asbestos. That was his entire defense. We were able to talk him out of doing that, fortunately. But that is what he wanted to do. He was in the cotton dust industry.

I think there seems to be a general consensus going around the country that the industry should be done away with, perhaps as soon as possible. I think part of the problem is that anybody any place can say anything they want to about asbestos with the knowledge that no one is going to stand up and defend it. I think that has been part of the problem when we first formed the Association; it is part of the problem today, that as an industry you are not fighting back hard enough.

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Environmentalists will come and say the most outrageous things about the asbestos industry, and it doesn't seem to matter, because nobody is going to stand up and say anything nice about you, and you're not doing it.

The opportunities for continued bad publicity are enormous. Curt mentioned a lot of those and I won't go into them. Shipyard workers, asbestos in schools, lawsuits, government action, et cetera.

There are a number of rules of environmental public affairs that I think I would like to mention to you, not relating necessarity to asbestos, but relating to the general topic of how industry faces these sorts of problems and deals with them.

Government regulators, taken as a rule, will react to the most pressure, in the absence of equal or nearly equal opposite pressure. Public pressure, especially on the issues deemed worthy by the media of its attention, is more important by a factor of three to one than any other type of pressure. Congressional or high Administrative pressure falls somewhere in between there, with industry, obviously, at the bottom of the ladder.

The media can create public issues. Asbestos in schools, for example. And dictate public reaction to those issues and guarantee that the government will have to take some sort of action on them.

When government or the environmentalists or others say something about an environmental or occupational health

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issue, the mere fact that they have spoken up is news and will be reported. The truth of what they say has nothing to do with it.

An example is the risk assessment document on asbestos in schools. It has not been released, but even if a good science reporter takes a look at that and thinks it stinks, he will still report it because it is an EPA document, it is official government action. Don't blame the reporter for that type of thing.

The media, on the other hand has an obligation to get your response. But you have to establish yourself as a source so he will come to you and get your side of the story.

But you can't say to him, Well, give me two days to think about that, I will put a committee together, we will come up with an answer for you and I will get back to you. Quick response is critical. A brilliant rebuttal that is too late for the first day's story is wasted and the public will form its opinions very quickly on it.

I think an example of that was J-M's response on the hairdryer foolishness. Now, again let me just interrupt for a second to say that I have not really worked in the asbestos industry for roughly five years. So my knowledge of what has been going on is primarily from reading newspapers and seeing what is being reported on television. So I may be inaccurate in some of the things I am going to say.

But, the way I saw it and I think the way the public saw it was that the hairdryer issue came up and about four

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or five days later, J-M came out with a very thoughtful response to that. It was too late. Too late. If you didn't say anything within the first 24 hours, you were dead.

Even if you don't know what the answer is to a particular problem, you have got to make sure you are telling the truth. Now, that may seem to be the exact opposite.

The response to the hairdryer thing needed to be accurate, but it needed to be made fast. You couldn't afford to make a mistake in what you said, but, on the other hand, you had to say it right away, and you didn't have time to think.

Let me give you an example from another industry, the PVC industry and their problems on vinyl chloride. In 1974 the industry claimed or was at least alleged to have claimed that the OSHA standard, if promulgated, would shut down the industry. Big news. It made all the headlines across the country. 600, 700 clippings we got on the thing, front page New York Times, et cetera, et cetera. It turned out to be untrue.

They changed the standard a little bit before they promulgated it. Nobody shut down. As a result, the PVC industry, the plastics industry, the petrochemical industry and, to a certain extent, the asbestos industry have been living with a credibility problem ever since.

Government and labor and environmentalists can lie and get away with it. They can exaggerate and get away with it.

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They can say anything they want and get away with it. Because the public feels, Well, oh, heck, they are just being overzealous in our interest. Industry, on the other hand, can never ever afford to make a misstatement, because they will never be forgiven.

My seventh rule is when you are killing people, the amount of dollars it is going to cost you to stop killing them isn't important and nobody cares about it, out in the public. The Supreme Court to a certain extent agreed with that in the benzene case, that no cost-benefit analysis really is required by law on occupational hazard problems.

The public believes in the ability of industry to do anything, whether it is to solve exposure problems or eliminate asbestos and find substitutes. If you start going out with the media and arguing dollars, you end up trying to defend the theme,"How much is one life worth?" And the guy will say,"How about if it's my life?" You can't win that sort of thing.

I hope I haven't discouraged you too much with these sort of preliminary comments. But the fact is that for too many years you have allowed preconceived notions to build up in the minds of the media and, through them, the public. They have been calling you murderers for years and you haven't objected. So the public thinks it must be true.

Now, the job you have to do is fairly simple in theory. You have got to re-educate the media and, through them the

public and Congress, change their perceptions of asbestos and equalize the pressure being brought to bear on the regulatory agencies and other influential bodies.

The theory is fairly simple. But the delivery system, for want of a better term, is rather more complex. Where do you start?

One - Define what you are after. I think jargon like improving the credibility and the image of the asbestos industry is nonsense. What we are talking about here is survival.

Establish credible goals in your dealings with each of the regulatory agencies, as well as on such issues as asbestos in schools, the white lung bill and similar issues, and get them down on paper.

Two - Identify the audiences that you want to influence and that you need to influence. Regulators, of course. But there are many ways to reach them - through the media, through Congress, through allies in the scientific community. They can all help you get where you want to go.

And the third thing is go out and do it.

Now, again, without studying your particular situation in depth -- And, as I said before, I haven't been around for five years -- I can't give you a full program on what you need to do. But I can give you a couple of broad concepts that have worked well for other industries faced with similar problems.

The first thing is to establish the AIA/NA as an information source. And, as I said before, I don't mean by that,

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"We'll send you our background paper on this subject," et cetera. You have got to become widely recognized as a source of ready information, usable quotes, and statements on important developments.

In short, what I am suggesting is that you set up what we call a quick response system. The first ingredient, of course, is information. You must know not only that something is going to happen, such as the release of the EPA proposal on asbestos in schools, but you must know the second it happens so that the response mechanism starts immediately.

You have got to have access to the daily calendars of Washington events, which are available from many, many sources. You must have access to the wire services, the AP, UPI, Reuters, et cetera. You must have contacts with the press officers in the various agencies. In short, a full-scale monitoring program.

All this enables you to do is to gauge a response to what the government or the environmenalists are saying, as well as to how the media is reacting and how it is covering it.

Secondly, you must select and train spokesmen who are ready, willing, and able to respond on almost any issue within minutes. And you must develop a simple clearance mechanism on any statement that you give in response to a developing situation. Now, that requires quick communications.

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I must admit to you that I was somewhat astounded to find out that the AIA does not have a telecopier in its office here in Washington. I don't see how you can exist without a telecopier for that sort of communications. In our company we have four on every floor.

You have to understand how the media works and what your rights are. You have to know that anything you say after three o'clock in the afternoon will most likely never make the next morning's papers. You have got to remember that first impressions on a new revelation or government initiative are the most important. From the standpoint of the media and the public's immediate perceptions, the comment period is not the 60 days listed in the Federal Register, but the hour or so that you have to get your side of the story in the papers or on television.

Let me give you an example or two about how such a system would work. One of my major clients is a major trade association in the petrochemical industry. A couple of years ago the calendar reported that the Natural Resources Defense Council was going to hold a press conference at 9:30 in the morning on the steps of FDA to announce a petition to ban certain types of food packaging because of leaching of carcinogenic substances into the food.

Our office in Washington alerted the client, who is in New York, and myself and also a trained spokesman, a fellow whom we had trained here in Washington. He happened to be a

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lawyer. He went to the press conference and, using techniques we taught him, basically stole the press conference away from the environmentalists.

At the same time, in New York we were preparing a statement on the petition, which we distributed by messenger in Washington to all the papers, wire services, news bureaus, et cetera. We got the president of the trade association to do what we call a radio actuality, which is basically a 30-second statement on the petition, which was then called in to something like 400 radio stations across the country, all of whom reported the story, but the only voice you ever heard was the president of the trade association commenting on it.

By the way, some of the agencies do that sort of thing too.

All this was accomplished within two hours. The coverage was totally balanced. There was no real media support for the petition, because we gave the media what they needed. We gave them opposing forces.

It has been my general observation that the media tends not to interpret in a story when the pressure is evenly balanced on both sides. Without opposing pressure, their bias tends to creep in.

Another example. When you do become a source, a reliable, credible source, the press starts to depend on you.

A couple of years ago when OSHA was preparing to propose its generic cancer policy, they leaked copies of the

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proposal, which, as you may recall, was about yea thick, on a Friday to selected media to prepare them for the press conference that Eula Bingham was holding on Monday morning.

The Washington Post called our office in Washington and sent us over a copy of this thing so we could study it over the weekend and have a statement ready for them Monday morning. We did, of course, spend the whole weekend working on it and issued our own statement -- That is, not Hill and Knowlton's but on behalf of the client -- at the press conference and had our own press conference outside of OSHA on the steps immediately afterwards. And Eula was, to say the least, upset.

But again the result was fairly balanced coverage of that particular thing, both from the industry and government side.

While the establishment of a quick response system is essentially a defense move, the second broad-based program I want to discuss with you is basically offensive in nature. And that is what we call editorial background briefings.

As I said before, the media has preconceived notions about asbestos that must be changed if industry is to receive a more favorable portrayal in the press and on the broadcast media. Quite simply, what you do in an editorial background briefing program is to send out teams of trained spokesmen to talk to those reporters and editors who have presently or will in the future write about and comment on the asbestos industry and its problems. And, believe me, you will not

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have any problem getting their attention.

You are considered in many media circles the mass murderers of 20th Century industrial America, and they would love to talk to you.

You have got to tell them it is not true, but you have got to admit what is true and you have got to tell them what you are doing about it.

In short, you have got to convince them that asbestos is a solvable problem and that it is being solved. You are, in essence, educating the media so they will approach future stories on asbestos with a less biased attitude.

I know of four or five similar programs going on in industry at this very moment. I am running two of them myself. They are very popular within industry right now and, more importantly, they produce results.

Remember, the media does not have time to learn all there is to know about the issues they write on. Curt talked about this at length. If you don't educate them, they will take the easy way out and they will go for the sensational.

Now, what do you need to launch this type of program?

Well, first, you need a trained cadre of spokesmen who can donate the time to the effort. The ideal team that we have found in our past efforts in a management executive and an environmental specialist or a doctor, two-men teams.

Second, you need to redo the background papers that you have got in your possession. You have got to prepare

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additional papers on topical issues and you have got to package them in a format to leave behind.

For those of you who were with the Association ten years ago, you may recall we did an accordian folder type of thing with a whole bunch of background papers in it and sent it out to 3,000 or 4,000 editors and that type of thing.

That doesn't work any more. I mean the format and the packaging are fine, but you have got to deliver it in person and talk to these people in person nowadays. You just can't send stuff out in the mail. It doesn't do any good. Times have changed. It was a great idea ten years ago; it's a lousy idea today.

Then you have got to select your cities, decide what sort of criteria you are going to use in selecting cities to go visit.

Some of the types of criteria that have been used by other industries are hot-spots, say Los Angeles because of the cases out there or similar situations with regard to asbestos. Home districts of influential congressmen. I know one program that is directed solely at that. Major media centers, of course. The criteria you have to decide for yourself and keep it within reasonable bounds, or you will be going out to see everybody.

And then you have got to develop some sort of follow-up mechanism that, once you have established contacts with these people, you can continue to provide them with additional information on developments as they happen. Periodic

newsletters or something of that order, directed specifically to the media, are very useful.

I could talk for considerably more time on other types of programs and techniques, positive publicity on AIA activities, utilization of favorable research results, communications with the scientific community, establishment of political support systems, individual company employee and community relations programs, identification and deployment of third party allies, and so on and so on.

But the time is short, and I think basically that you have got to start small here. You are not really accustomed to it, and I think maybe you should bite off a couple of small chunks to get going and see where it takes you, see if you like what the results are, and then maybe go into something a little more broad-based as the years go on.

The one point that I wanted to disagree with Curt on was on the thought that if some of these other techniques don't work, you might go to advertising.

I consider issue advertising to be a disaster generally. It is sort of the last resort of an industry whose ideas are so deficient that they can't get them into these news spaces.

There is a Yankelovich poll that is done every year for major industries across the country. It is a private poll. And generally it polls thought leaders, important influential people. And issue advertising came in absolutely at the bottom of the list in terms of trusted means of, methods of

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and types of communications.

By the way, the thing that was right above that, in other words, next to last, was trade associations.

(Laughter.)

True.

I would like to leave you with one thought. The two programs I described are relatively simple. Basically they have proven themselves over time. I think I agree with Curt. You need to get out there now and start communicating both with and through the media. In fact, the survival of the asbestos industry may in many respects depend upon it.

Questions and Comments
(Mr. Swetonic)

Mr. Penney: I was tremendously interested in the two presentations. What I want to talk about is personal opinion rather than reflecting the attitudes of the UK industry in particular.

I would just like to tell a quick story, about taking a reporter to a factory. We had been running what we call an open house approach, and as many people as we could, whether they were government, the public, or the media, were invited to a factory. They were given every opportunity to talk to the work force, they were allowed to see all the various processes, they were welcome to see the dust counts. The dust counts were freely shown, not only on the notice boards, but in most cases were in fact shown on the machine, so that the operator himself could see the dust counts that were taken.

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On this particular occasion the reporter, before going into the factory, said to me, I'd like to talk to you for a moment. My name is Bill Wainwright, I represent the Morning Star and I am a Communist, I work for a Communist-orientated paper. If I go into the factory, I don't want to talk to management, I want to talk to the work force. And if you can accept those conditions, then I shall be delighted to go around the factory.

And we said "Fine", because I was most impressed by this approach. He went around the factory and he gave us an extremely reasonable report.

But on the way back I particularly sat with him in the coach just to talk to him. And he said, You know, the asbestos industry really has brought a great deal on itself, because you immediately moved into the defensive; perhaps understandably, you brushed one or two things under the carpet, and I can't really understand this, because really the public -- On this particular occasion he was talking about the British public -- are fairly understanding. And what you have to do is get the facts on the table.

Now, the first thing that interested me, he said, was that all the evidence that I read says that asbestos fibre under certain conditions is a carcinogen. He said, It sure as hell doesn't give you the measles. Now, if this is right, why don't you say so? Because that gets it on the table and at least we have all agreed, because people know

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about carcinogens, people know about cancer, people get very, very concerned and afraid about it. But they want to know.

He said, Secondly, there are many precautions that can be taken. What are they? Freely discuss them. He said, People in the UK Have died and the figures are in the region of about 300 people a year. So put it on the table that there are 300. If it was 3,000, put it on the table that it is 3,000. Because that, in fact, is factual and right. And if you don't say that, then people will think that this Califano statement, which we referred to, which was given fantastic publicity in the UK and has grown from the figures I heard here of 285,000 to 15 million, and in the UK a housewife thinks that 15 million people in the United States are dying every day.

But the message that he got over to me was to say basically, Don't be afraid of the conditions which we face. Get them on the table and freely discuss them.

Now, I have spent a little bit of time on that, but what I was trying to get across here was some of the messages that have come, I think, from the two speakers.

One is that I firmly believe -- And we proved it throughout Europe -- that personal, person-to-person dialogue is of fantastic importance. And if you deal with it in honesty, then, in fact you can freely discuss it and you can make progress.

I would tend to support the thought on advertising. We have tried advertising, and advertising in this sort of

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climate tends to give an adverse reaction, because people say Here they go again, big industry on a massive sales promotion exercise, and take no notice of it.

I have taken a lot of time at the mike, but I just wanted to start it off and add something. Thank you.

Mr. Linke: Thank you.

(Applause.)

Mr. Ross: I'm Malcolm Ross from the U. S. Geological Survey.

I'm sort of in an unusual position, since I have gotten involved in the asbestos issue from a different point of view. But I might mention some of the things I see that are happening in the media.

First of all, I am trained in geoscience and I know asbestos minerals, how ubiquitous they are outside of the commercial asbestos industry in many kinds of mining industries. But I don't perceive that the media has ever gotten over to the U. S. public just what asbestos is, what kind of minerals they are, how common they are in the natural environment, how people in certain areas of the country are naturally exposed to asbestos minerals, both in air and water. This just is not known. And I know of no epidemiological study that has shown that casual exposure to asbestos by the public, outside of the crocidolite mines of South Africa and Western Australia, has caused disease.

But, nevertheless, asbestos is something out of a black box, as I perceive it, from talking to the media.

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Last January I had the misfortune to get involved with the Globe Asbestos Trailer Park issue. And I told the reporters that in view of the health history of the residents of Thetford Mines, Quebec, and Asbestos, Quebec, where the tailings piles are like mountains -- I told the reporters, I said, Take one of those residents of the trailer park and go up to Thetford Mines and talk to the people up there.

Well, Thetford Mines was to them like another world. I would not get across to them that there are people in the world living among asbestos tailings piles who aren't getting sick.

I just don't see that the U. S. public really understands what asbestos is, that they drink it in the Philadelphia drinking water during seasons of high water, that it is in the San Francisco water systems; in certain agricultural areas in many soils you have fibres. In addition, we have 100 to 150 other minerals that can be defined as asbestos in other kinds of industry.

Mr. Linke: Thank you.

I would only add that I think it is probably this industry, the people in this room, it is our responsibility to tell the media and get the story out to the general public, and I don't think that has been done.

Mr. Swetonic: I would say that perhaps one out of every three stories that you still see today identifies asbestos as some sort of chemical and they assume it is made in a vat some

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place. I mean the ignorance is that deep.

Mr. Ron McGee: I am not certain, but does the presentation by Mr. Swetonic and Johns-Manville here indicate that the Association itself has no preplanned and organized public relations program? Or was that just deleted from the program?

President Dougherty: No, the Association has not engaged in public relations activities as part of their activities over the past few years.

Mr. McGee: Well, speaking for my own position, I represent a user of asbestos-cement products. One of my reasons for being here, my primary reason, was to get a reading on the prospects of the material being in fact usable.

The actual dangers, of course, of the use of asbestos-cement products are just about negligible. But, frankly, my reading is that I have heard or seen nothing in the course of this meeting that gives me any comfort that the progress being made to ban asbestos is going to be stopped. And it appears primarily to be a public relations problem.

Would it not be in the best interest of the industry to originate a public relations program?

Mr. Linke: Do you want me to answer that?

Mr. Swetonic: Yes. I think you should.

Mr. Linke: I will agree with him.

(Laughter.)

President Dougherty: I think your point is very well made, and I can only say that I think the reason we included

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in today's Conference -- And, as I alluded to before, it is the first time we have included in any of our Conferences the public relations topic. I think the reason we included it today was to try to give all of us a better picture, a better understanding, something for us to consider, to see if this is an area we indeed should be considering and should be approaching.

And I think that the comments that Curt and Matt both made have given the Directors of the Asbestos Information Association a lot to think about, and I think we have a lot of decisions to be made right now on how far we go and the direction.

I think your comments are very well made and I think, as I say, the reason we have it here is because we want to investigate all of the avenues and all of the various phases and areas involved in the defense of the industry, if you will.

Curt.

Mr. Curt Pontz: My name is Curt Pontz from CertainTeed Corporation, and I am not in the PR or advertising game. But in an effort to carry this dialogue a little further, because I personally think it is not only interesting, but perhaps critical, I would like to suggest that the comment about advertising being a misplaced effort is totally ill founded, and I would like to give two examples of why I say that and why I think that an advertising effort well planned and well conceived could have a tremendous positive impact on the industry.

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The two examples I would like to give are, first of all, the ads that Monsanto has had on television over the last several years in which they do not strike out at the world in the sense of trying to tell everybody that they are wrong and Monsanto is right, but simply point to the fact that chemicals are a part of everyday life, without which basically we couldn't exist. And my impression is that those ads, generally speaking, have a very positive impact.

And the second example I would like to give is of those ads, which again I think many of you are familiar with which have been prominent on TV, which I believe are sponsored by NCI, which is very brief but effective tones cite the problem of a family which is impacted with a family member who is suffering from asbestosis and, in fact, I think from cancer. The name of the fellow cited in the ad is Charlie and perhaps some of you are familiar with that ad.

Now, of course, that ad does not come from the industry, it comes from, in a sense -- you can call it an agency, a regulator, although they are certainly not a regulator. But they don't come from the same sphere as an industry, so to speak.

But, nonetheless the point I am trying to make is that those ads, both the Monsanto types of ads, the NCI types of public service messages, seem to be very, very, very effective in their own way. But I just can't imagine an industry such as this not engaged in that kind of an effort, and the effort

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probably should have begun years ago. The fact that it hasn't begun yet doesn't mean it can't be.

I am not in the advertising business, but my impression and the impressions of those I talk to are that that kind of an effort can be extremely effective.

Mr. Swetonic: Monsanto is one of our clients and we helped them with the publicity aspects of part of that program. And I think the general feeling among the Monsanto executives is that they were not, frankly, satisfied with the results of that advertising program.

I don't consider that to be totally issue advertising. Issue advertising is more of the type of thing that Mobil runs in the New York Times and the Washington Post all the time. It is that type of argumentative advertising that is generally considered of low credibility, not necessarily talking about the Monsanto program. But, as I said, they are not happy with that either.

Mr. Pontz: My point really was not to discuss the merits of a particular ad, but simply to make the point that an industry at this state of its existence really, in my judgment, has no choice but to give that kind of exercise a try.

Mr. Linke: Well, I think it certainly has to be one of the things that you put into your bag of tricks to try and communicate the message.

One of the problems the asbestos industry traditionally has had and continues to have is that we are dealing with

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the fairly complex subjects of three types of diseases and different work time frame references and different types of workers, and one of the problems is finding out how to package this brief enough for an average reporter to become an instant expert. Frankly, we haven't done a very good job.

One of the advantages of advertising is that it is a controlled form and you can put in exactly what you want to put in. You can analyze it, you can research it, you can study it, you can choose each particular word, you can totally control the message. Likewise, you can control where it appears.

And, speaking of advertising, it is not just general public advertising. I think we ought to be advertising to our end users, I think we ought to be advertising in our plant communities where we have plants or where we have workers, as well as to the broad-scope general public.

I think there are some advantages to advertising. And I agree with your final point. I think, you know, time is not working in our favor, and there are not that many alternatives left to us.

Mr. Swetonic: There is one advertising program, it is a TV advertising program that Dow is doing, and most of you have probably not seen it because it is directed at the safety of their plants and it is only being run in plant communities.

I have talked to them about it and they have promised to let me see what their research results are on that program.

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But perhaps if it is narrowly focused, something can be fairly effective. But that is a very narrow program.

Mr. van der REST: My question will be very brief. I just revert to the point which was raised by Wilfred Penney, to confirm that really the visit to the factory, the visit to the only mine we have in Europe, which is the Italian mine of asbestos at Balangero, has given the opportunity to the people to see really what the industry is doing.

Too often in the general public or in governmental agencies they really do think that the industry is guilty of everything. Well, if they don't come to the place to see what we are doing as regards safety work, as regards regular yearly inspections by x-ray of the workers and so on, there may remain, I should say, the wrong impression.

Within the Common Market there was a commission which was working for more than a year on asbestos. We invited them to the factory and, by chance, I was just thinking that maybe it will interest the gentlemen to see some rocks of asbestos, some raw material.

Well, believe it or not, of the ten members of this commission of the European Market, only one of them had even once in his life seen asbestos. So after this visit, after being convinced that they are in a position to learn something, to learn that the industry is really making its best effort to solve the problem, I really would like to assert that above any PR relations, the best way is to show what we have done.

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And my direct question is: Do the people of the federal or the national agencies here, EPA, OSHA, CPSC, NIOSH and so on, have they already been invited and did they accept a visit to mines and factories in your country? Because, I repeat, it is essential.

President Dougherty: Speaking for the industry in general, Etienne, I am not aware of any specific campaign or drive or effort to invite people to visit our mines and plants. I think individual companies, individual people have extended such invitations.

But I would certainly wholeheartedly support your position that this is an extremely effective method of getting this story across and of possibly getting things in the proper perspective, as far as not only the regulators, I think this is also true of medical people, so that they have a better picture of what the true conditions are.

Curt, would you like to comment further?

Mr. Linke: Yes.

J-M has a standing invitation to any member of Congress to take a tour of our plants. And I think, what? about eight or twelve at this point have done so. I am not sure exactly what the number is. And it has been very effective for them to actually see the plants, see the working conditions. And they have a better understanding, then, of what working with asbestos is.

Mr. van der REST: But the regulatory agencies should be invited too. I suppose you have done that already.

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Mr. Linke: I'm not sure that we have invited all of the major regulatory heads or anything like that. OSHA tends to make regular visits.

(Laughter.)

President Dougherty: Are there any representatives of the agencies here who would like to comment on this, what they believe as to whether this is an appropriate activity and what their feelings are? I think we would like to hear from your side of it.

Mr. Jennings: I'm Bob Jennings with OSHA. And we have previously been extended invitations by J-M representatives for the standards development staff to visit some plants and we haven't yet made arrangements for that to occur. But we will be getting in touch with people on that. Because obviously the people who are involved in analyzing technological feasibility evidence or gaining an appreciation for the process flows and the structure of these plants should gain a better familiarity with what they are dealing with.

Mr. Dimitry Poutiatine: I think one of the interesting things this morning in this discussion has been the realization of the importance of PR work and all that. But no mention was made of the cost of it. And I think that the Association has already engaged in quite a large expenditure on legal matters and so forth.

And really my statement is not a question, it's more of a comment, that reminds me of something that was said this

morning. We spend so much money trying to stay in business that we may find ourselves without business. And I don't know how really we can address our priorities when so many things seem to be snowballing. First it was just a normal information center, then came the legal problem, now the kind of things you're talking about, I assume, would not be an inexpensive thing.

So maybe the Association ought to review its priorities or look at them.

But I just wanted to bring out the thing that we talk about something that should be done, but are we really in a position and willing to spend the money to do it?

Mr. Linke: I think it is appropriate, Dimitry, to take a look at cost-benefit on this type of a program. It does cost money. And what are the benefits from it? And how do you get a handle on that to say what is worthwhile and what isn't worthwhile? If we do nothing at all more than what we are doing now, how long will the industry last at its current rate of progression? Everyone make your own estimate on that.

Okay. Now, if we can change that curve by one month or by one year or by 7,000 tons of No. 7 fibre, what profit does that give to you? And what is it worth to go after that profit?

It's become more the principle of the thing now. We shouldn't be banned out of existence, because there is just no reason for it. And so on principle, we ought to go out and

and do battle.

But, besides that, there are some very good economic reasons for doing so, because to not do so means that this industry is going to end sooner than it normally would, that asbestos products will go through their product life cycle on a very rapidly descending curve rather than one that is stretched out over a number of years.

And it does come down to operating decisions as to what is 1,000 tons worth, what is one ton worth, what are 100,000 tons worth? What would it have been worth to Johns-Manville if the Manville Asbestos Cement Pipe Plant could have kept running for another three months or three years or ten years?

I think those cost analyses can be made, and I think they should be made.

Mr. Ross: I have one observation that disturbs me personally from a PR point of view, and that is that the asbestos industry often advertises that it is locked in, like tile, cement, and thus it can't ever get out and ever hurt anybody.

But it seems to me that you have got a built-in scare factor there, because somebody says, but what if it does get out? And I have even heard some people suggest that every time you walk over asbestos-containing tile, every foot step, one fibre will come out of the tile and that fibre will find its way into someone's lung and give the probability of cancer.

And it seems to me that -- I perceive the industry's idea of keeping asbestos locked in as much as possible, but

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I think also the public should realize that they are getting plenty of asbestos in their lungs anyway, just as casual exposure to natural areas, and we cannot demonstrate a health effect for these small exposures.

It seems to me the advertising here has a built-in factor that makes people fearful if you say it's locked in and they say "Well, I don't believe it, I think it's going to come out anyway".

That is something that I perceive in some of the advertising.

President Dougherty: I should let everybody know that with regard to the public relations activity, this is a subject which is being very seriously considered and addressed by the international asbestos interests. Our Association did participate last year in a conference which was held in Montebello, Canada, with international representatives to address to what extent public relations activities should be undertaken by the world asbestos community to try to overcome some of the adverse publicity which has come out.

So I didn't want to leave anybody with the impression that there are no activities in this regard. But up to this point the activities of the Asbestos Information Association of North America have not been directed to those areas.

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View From Canada

Charles E. Beaulieu
Associate Deputy Minister (Mines)
Department of Energy and Resources
Government of Quebec

Monsieur Beaulieu joined the Quebec government at his present post in November 1979. Prior to entering government service, his professional career was divided between industry and academia. His last position in academia was Vice President for Instruction and Research for Quebec University. He received a Doctorate in Metallurgy from Laval University in 1960.

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Charles E. Beaulieu
Associate Deputy Minister (Mines)
Department of Energy and Resources
Government of Quebec

It is a privilege and also a great pleasure to address the participants of such an important conference; for, as we all know, the 80's will be determinant for the future of the asbestos industry. Thus the need for concertation and collaboration between labor, industry and government is and will be most important.

As the second largest producer in the world - after the Russians - we, Canadians, are deeply concerned by the economic situation in general and also by the uncertainties involved in the regulatory processes around the world.

Let us remember that the Canadian production of asbestos is about 30% of the world production of which 88% comes from Quebec. 95% of this production is exported. That is about 1.4 million metric tons per year valued at more than 600 million dollars. The U.S. market constitutes nearly 40% of our total exports and we supply 94% of your total imports of asbestos. These are 1977 figures, showing that the U.S.A. is by far our major market.

Thus, the revival of the U.S. economy and the decisions that will be taken regarding regulations, will have a decisive impact on the development of the Canadian asbestos.

But regulatory process and decisions are internal matters and my presence here today is simply to convey to you the approach adopted by the Government of Quebec and also by the

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Government of Canada to control the extraction and the use of asbestos in our country.

First, let us look at the occupations sector.

Existing regulations, concerned with occupational exposure to asbestos dust, require that atmospheric contamination within the workplace be limited to a time-weighted average of two fibers per cubic centimeter.

It is well known that this occupational standard is intended to protect workers from asbestosis and is based upon the acceptance of a minimal risk of developing this disease.

This was the main preoccupation in the early 70's and most countries have adopted a similar standard.

Since we were dealing with a problem of dust accumulation in the lungs, it was logical to prevent such accumulation by enforcing more stringent dust removal regulations.

The Canadian industry had already started a serious effort and actual results are well above the standard even in some textile plants where the worst dust conditions were encountered in the past.

But the principal question is how to evaluate if such a standard is also sufficient to protect workers from cancer?

If we consider the evidence gathered during the past ten years we cannot deny that a cancer risk is attached to the exposure of asbestos dust.

Some consensus exists on a linear relation between the level of dust and pneumoconiosis and lung cancers.

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This relation established through observations of workers heavily exposed to asbestos dust can be utilized to assess the risk at low levels. Unless, we agree, that below a certain level of exposure there is no effect. If we neglect this possibility, the linear relation implies that a risk exists - even at very low levels.

There are two approaches to the problem.

In the first instance, we may try to establish an acceptable level of risk and thus set a corresponding standard to respect: In the second case, where we agree that there is no safe level for a cancer causing agent but zero exposure, we must look for a zero risk and ban the asbestos.

Before making such a choice. Let us refer ourself to some of the results of the most exhaustive study carried on miners and millers of our asbestos mining communities by professor Corbett McDonald and published early this year in the British Journal of Industrial Medicine.

In this report on a birth cohort of 11,379 workers born between 1891-1920 who had worked for at least a month in the mines and mills of asbestos and Thetford-Mines in Quebec (two different mining cities producing about 25% of the world's asbestos). Three methods of analysis gave results consistent with one another and with previous analysis.

The main results were that among men, the overall excess mortality for the period between 1926 and 1975 was 2% at asbestos and 10% at Thetford-Mines, much the dustier mining

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district.

But, among women, mostly employed at asbestos, the standardized mortality ratio was 0.90 indicating a lower mortality than expected or a negative risk situation.

And another very important conclusion was that - and I quote: "If the only subjects studied had been the 1904 men with at least 20 years' employment in the lower dust concentrations averaging 6.6 million particles per cubic foot (or about 20 fibers per cubic centimeter), excess mortality would not have been considered statistically significant, except for pneumoconiosis."

If such a large epidemiological survey does detect an increased risk of cancer at what today are considered unacceptable dust concentrations (20 fibers/cc), we feel confident that our workers and all asbestos workers and users are protected as long as the actual standard (that is 10 times smaller) is enforced not only for miners and millers, but also for the entire industry.

This confidence is increased if we consider the results of well known studies by Dr. Irving Selikoff of Mount Sinai School of Medicine.

Here I will quote from the Federal Register of January 22, 1980, page 5020. When discussing interactions among causal factors, it is said referring to the studies of Dr. Selikoff...:

"Evidence of the Carcinogenic potential of asbestos was provided over the period 1935-1965 for a

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number of neoplasms, including bronchogenic carcinoma, pleural and peritoneal mesothelioma and gastrointestinal cancer. It was found in 1967 however, that for the most important of these neoplasms - lung cancer - the risk did not depend on asbestos alone rather, if there were not concordance of two agents - cigarette smoking and asbestos - the tumor was uncommon."

Still Quoting:

"A second much larger study was undertaken to investigate whether asbestos exposure without cigarette smoking truly did not increase the risk of lung cancer significantly especially since such exposure was clearly associated with increased cancer risk at other sites in non smokers."

Let us remember that this second famous study was made on the entire membership of the Insulation Workers' Union in the U.S. and Canada.

"Analysis of lung cancer deaths among the 17,800 men to December 31, 1972, showed that increased risk of this neoplasm was limited to asbestos workers who also had a history of cigarette smoking...

These new findings again demonstrate that asbestos workers who do not smoke, or smoke only pipes and/or cigars, have about the same risk as men not occupationaly exposed to asbestos..."

To use Dr. Selikoff's own testimony:

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"We found that among 2,066 non cigarette smokers there should have been 1.82 deaths, the way the statisticians put it, 1.82 deaths of lung cancer. There were 8, in other words somewhere around four to five times as many. But this is certainly not a major public health problem. You had four to five times the number of a very small number and five times nothing is still not very much."

To put it differently, using Dr. William Nicholson's comments:

"Although the data are still insufficient to accurately determine the risk of dying of lung cancer in non smoking asbestos insulators, they do suffice to establish that the risk is less than for cigarette smoking males in the general population who do not work with asbestos."

We have to remember that those studies are referring to populations that have probably been exposed to high levels during the 40's and 50's.

We could speculate from McDonalds' study that in the early 50's, before effective dust control was introduced, the observed dust concentrations in Quebec Mills carried a lung cancer risk equivalent to heavy smoking, while the more recent concentration of less than two fibers per cc would carry an order of risk that may be equal to the smoking of less than one cigarette a day.

Considering those testimonies, I believe that a logical approach to the problem generated by asbestos, is to control

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dust conditions and to make sure that the actual standard is strictly enforced. At the same time, efforts should continue to convince workers not to smoke.

So much for the occupational sector. Unfortunately, even if dust exposure alone at the level of the standard given above was a major public health problem, we are facing irrational attitude in the general public towards environmental exposure that are at much lower levels.

The asbestos dust level in the general environment is so much lower than in occupational settings that there appears to be little or even no risk to the public.

In Quebec, a general mortality study on cancers in the asbestos mining towns compared to 67 other cities and towns gave no evidence of increased risk for the general population as approximated by the female population. I may add that the population of Thetford-Mines, are probably among the most exposed to the asbestos dust in the air. (A dust study will be started this fall to assess more extensively the level of dust exposure in these areas and also inside the houses).

However, in comparison with the general environment, higher levels of exposure may occur in the vicinity of asbestos industries and during the use or disposal of certain materials containing asbestos.

Our regulations require that air which is exhausted from asbestos mines and mills to the environment should not contain more than two fibers at the point of emission. It is

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intended that these regulations will be extended to manufacturing industries.

Also there is no evidence currently available to suggest that there is any risk from the consumption of asbestos contaminated food and drink. A report from the European communities dated April '80 concludes:

"...There is no certain scientific proof that persons not occupationally exposed have a risk due to fiber contained in air, water, food and other potentially contaminated sources."

The same report stated further that: "... It would not be reasonable to require that food and water do not contain any residue of asbestos."

Thus in general, although we must take care of not polluting our environment, and make sure our regulations are strictly enforced, the problem is not environmental.

A third sector of importance deals with the consumer products.

Human exposure to asbestos dust as a result of consumer product use appears generally to be very low if not non-existant. No excess risk has yet been clearly proved.

However, we should pay attention to control some exceptional cases where a potential hazard could be found.

Better, although Canadian fibre producers are currently using warning labels, such label could be made mandatory and extended to all manufactured products containing asbestos and

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offered for sale to the general public (in particular those products that may emit fibres during installation).

In this area, the Ouebec government in collaboration with the asbestos industry has started a new institute for the development and research on asbestos. (Institut De Recherche Et De Developpement De L'amiante: IRDA).

One of the objectives of this institute is to develop new safe products and to improve the existing ones.

I think I have made our approach quite clear.

Asbestos is a dangerous product when exposed occupationally to it. Even then, by non smoking and strictly enforcing our actual dust control regulations, we obtain levels of risk that are acceptable for our society. On the other hand, I should mention our concern for the wild application of substitutes for which there is no equivalent knowledge of the risk involved. We have already seen products advertising the fact that they did not contain asbestos but not mentioning the other fibres involved.

In conclusion, our approach is characterized by the conviction that workers and the public in general can be protected from the risks associated with asbestos dust exposure through the application of appropriate regulations - and I consider the actual standard as appropriate - and through diffusion of information and education of the public.

I thank you all for your attention.

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Questions and Comments
(Monsieur Beaulieu)

Dr. Han Kang: Are you saying that there is no risk involved for those asbestos workers who don't smoke? Is that what you're saying?

Mr. Beaulieu: What I said is with the standards that we have, for nonsmokers we are confident that there is a very low level of risk and we cannot detect it.

Dr. Kang: Okay. Thanks.

Mr. Beaulieu: Nonsignificant risk.

Mr. McGee: You began your presentation by saying that the regulatory activities within the United States are an internal matter, in your opinion. Would that be extended to mean that the Canadian Government through its trade offices would not bring its influence to bear in bringing your views as the Canadian Government to the attention of the regulatory agencies here?

Mr. Beaulieu: Well, I think that, for that matter, we, the Quebec Government and the Ottawa Government are working quite closely on it. This is, as I mentioned earlier, an important matter for us strictly on an economic basis. I suppose that those who are concerned by all these questions will have to work on this some time.

Mr. Bazin: Just to add a comment, because I think it is a very important point that was raised, we have been working very closely with the Canadian Government.

There is an approach of the Canadian Government that has been transmitted to the State Department. There is one

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officer in Washington at the Canadian Embassy who is responsible for that specific file.

And, to summarize, we have been very involved and intend to make known in due course -- The Canadian Government intends to make known, I should say, its position.

I should also point out that there was a meeting last December between 20 various departments in Ottawa with representatives of OSHA, EPA, labor, a joint meeting here in Washington, where about 30 people were present.

So there is an ongoing exchange and the Canadian Government has indicated that, yes, they will participate in this debate.

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Remarks

Etienne van der Rest
Chairman, Governing Council
Asbestos International Association

Mr. van der Rest's principal position is Chairman of the SA Eternit. He also serves as Chairman of the Belgian Federation of Asbestos Cement Industries. The Asbestos International Association, whose Governing Council he chairs, consists of the National Asbestos Industry Associations from some 25 countries.

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Etienne van der Rest
Chairman, Governing Council
Asbestos International Association

Mr. Chairman, ladies, because we have the pleasure of having very charming ladies amongst us and I want to thank them for their presence, because due to the fact of their natural charm I think this has not only been really interesting, but also a very attractive conference, for which I want to thank them.

(Applause.)

I must say that I would like to thank one of those charming ladies especially because she paid me the nicest compliment I ever had in my life. After my few questions during the very interesting session, she asked me - of course, fortunately, Wilfred Penney was not near me - she asked me, Are you from the United Kingdom?

(Laughter.)

I am afraid she will be deceived after my presentation. Anyway, I will do my best. English is not my mother tongue, you will notice it very quickly.

(Laughter.)

And then, because I have said "Mr. Chairman, ladies", I have to add "Gentlemen".

I don't know if you remember the story of the Emperor Nero. Nero was the Emperor of Rome and he had a very special kind of hobby. We all have hobbies. You saw yesterday a very powerful man whose hobby was asbestos and "cocktails".

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(Laughter.)

We have another man over there whose hobby is to be a sailor or something like that. Well, Nero had another hobby, which was rather crueler. He liked to kill Christian people. One day, he organized a party just in honor of a Christian - that was his specialty - who was to be eaten by a lion.

So the Christian came. He was a very young and good looking boy. The first lion came out of the cage, he was hungry, and had not eaten for more than three days. He jumped along towards the Christian. The latter stopped him. He lifted the ear of the lion and whispered him something very gently. And the lion went away and sat down, disappointed. A second one came, a third one, same result.

So the Emperor said to the Christian. Tell me, what have you said to those lions and then you will be saved.

Now, the answer of the Christian was very simple. He said, you know what I told him? I told him, 'be careful, chap. After you have finished your lunch, you will have to make a speech.'

(Laughter.) (Applause.)

Well, I ate. So I have to make a speech. I should say that the grass is already cut a bit under my feet, because in the first part of this short presentation, it was my intention to present you the AIA. Our Chairman did it very well. He has told you that we already have more than 26

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countries as members of the AIA, 'association of national associations'. We have indirectly as members more than 370 companies in the world. So I really think we can consider the Asbestos International Association as an important organization.

Now, what are the objectives of the AIA? They are to furnish all national organizations, the necessary exchange of information. We want - this has already been stressed - all our members in the world to be informed on how to use asbestos correctly. We want them to respect rules and rulemaking to be implemented in their countries, if there are no rules. And we have amongst them - I will come back to that - a free exchange of information on all asbestos and health problems.

How did we achieve this ambitious target? The first problem we had to face was having round the table 26 different nations. We had to adopt a language. Now, we could have takent the decision as the one taken by the EEC. There they decided, Okay, we have nine countries. We have only six different languages. We will adopt the six languages.

Well, this has had the consequence that today about one-third of the people working in Brussels, where the central offices of the EEC are located, one-third of the civil servants in the Common Market are only busy with making translations.

Now, what will happen next January when Greece will join the Common Market and afterwards Spain and Portugal?

I really wonder - and this is something I often discuss with the head people of the Common Market, and they don't even know themselves very well.

Now, having this example, at our first Governing Council meeting, I said Gentlemen, we have to make a choice, or we can't have, let's say, 20 different languages, but that will be rather difficult, or we can have only one.

Due to the fact that my mother tongue is French and not English, as you have already noticed ---

(Laughter.)

-- it was easy for me to propose to adopt English.

Now I want to pay a tribute to four countries who immediately agreed with this suggestion. I want to mention the United Kingdom, the United States, Ireland and Australia.

(Laughter.)

We had more difficulties, as you can imagine, with France.

(Laughter.)

But they asked us, Why not use French? Now, by chance, I had a ready answer to give them. I said, Okay, we will use English, but to give you a good compensation, instead of having an English name for the Asbestos International Association - A.I.A. - we will give this organization a French name. Let's call it 'Association Internationale de l'Amiante (A.I.A.). Accepting this and showing a real spirit of co-operation, they gave in and that is how we managed to have only one language.

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How can I describe our organization in a few words? We have a Governing Council, which is normally composed of 26 chairmen of the national organizations, as well as an Executive Committee of eight members. Below that, we have a Director General, with a very small staff. I think that is rather exceptional for such an organization, with so many members. In fact, all of the work is done in what we call the 'Advisory Panels' of the AIA. Due to the fact that we have at our disposal, all over the world 370 companies, we can select, within those companies and those national organizations, the best experts in their field.

Now, I have put as a rule too, and this was accepted, that normally each panel should not have more than eight members, because I personally think that if you are to make a decision and proposal with too many people round the table, it becomes a difficulty.

Which are the main panels? I cannot name them all. We have the Dust Measurement Panel to which belongs our friend, Dr. G. Chase, who is a very active member. We have a Textile Panel, of which my friend John Marsh is the Chairman. We have an EEC Advisory Panel. For this Panel there is an exception, we have nine countries in the Common Market. Therefore, we have to accept nine delegates in the EEC Advisory Panel.

Taking the last panel as an example, I can say today when the EEC have a problem regarding asbestos, they call

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for us to ask for our opinion. We are now recognized as people they can talk to. I think this is very important.

We have a Medical Advisory Panel, a Scientific Advisory Panel, a Friction Materials Panel, a Building Materials Panel, which works especially to develop tools to use asbestos-containing products on the site, which is a matter not to be neglected.. In fact, it is not enough to secure the necessary relations and the necessary cautions, within the factories; we have to think about the finished products we manufacture. This panel will shortly publish a document which will give all countries involved, recommendations on how to work safely with construction materials on the site.

What we did was to assure amongst all those countries and all those panels a free exchange of information. I know that in the United States - and this is a compliment to you - free exchange of information is something which is natural to you. However, this is not usual in Europe.

As an illustration of this constructive spirit of yours, I would like to give you a personal example. When I was a young man of 22 and finishing my studies as an engineer at the University of Louvain with a group of students, I visited the United States. The conductor of this group of students was a Jesuit Father, Father Ratabouille. The name alone will tell you what kind of an organizer he was!

(Laughter.)

The organization qualities of Father Ratabouille were far less than those of our Chairman, Bob Pigg. So that when

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I came to the States, after having spent a fortnight with them I lost them for two months and traveled all over the States. Being an engineer, I wanted to have the opportunity of visiting factories.

I still have happy memories, and it is now about - I don't want to say how many years, but many years ago - of the excellent spirit of co-operation and how you always have open doors in the USA.

I was hitchhiking all over the country for two months in the States. For example, once when I was with a driver, I remember, it was near Pittsburgh, he told me, you are making engineer's studies, why don't you stop in Pittsburgh? There is a very important steel factory you would be interested to visit. I went to the central office, I was entirely unknown, no introduction. I said I am a Belgian student, would you be so kind to allow me to visit your factory? To my utter surprise, they said, of course. You should be here at two o'clock in the afternoon.

I took a bus (I had no money to pay for anything else) from the center of Pittsburgh and I arrived at the United Steel Factory. Even though I am six feet-six, I felt very small in front of such an impressive factory. There was a huge guard who came towards me as I walked out of the bus. I thought, my God, he will turn me away. I made myself as small as I could. Well, his question was: "are you Mr. van der Rest"? My God, I thought, I am already known.

(Laughter.)

When you are 22, it is something you really appreciate. I went around the factory with an engineer who dedicated all the afternoon to this unexpected and unimportant visitor.

This same result of free exchange of information, as regards asbestos and health, is today achieved by the AIA.

It is certainly due to this exchange of experience that all the plants of our members are today below a level of two fibres per cc. There may still be some exceptions. However, I confirm that as a rule, if an international association has a member who does not respect the 2 fibre/cc. and shows no desire to make the necessary investments, we just say to him - and we had the case in France and in Belgium - sorry, sir, but if you do not play the game, if you do not respect the rules, we can keep you no longer in our organization.

Now, I think the next part could be of interest to you. You say, now okay, you are below two fibres per cc., but what about the regulations? Just out of courtesy for those very well bred English people who are here today, I would like to begin with the UK.

UK has a regulation of two fibres per cc. and they have set up a committee known by the name of its Chairman, the Simpson Committe, better known as 'Advisory Committe on Asbestos'. Mr. Simpson was somebody with a union background and is an honest and straightforward man. In this panel, chaired by him, there were medical doctors, scientific

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people, people representing the unions, the consumers. There were Government representatives, who came to the conclusion that one fibre per cc should be adopted in the UK.

I do not want to enter into details regarding the regulation concerning crocidolite, because this a case where the scientific opinions differ from one country to another. And if I begin with that, I can maybe speak for half an hour more and you will finally be tired.

Let's say only that, for instance, in the UK, they have proposed a ban on crocidolite, which is no wonder, because they had already a rule some years ago according to which 0.2 fibre/cc had to be respected, with the consequence that all manufacturing of products containing blue was stopped in the UK. That gives you an idea about what level it is possible or not to reach.

In other countries like France, Germany and Italy, no discriminaton is made between blue and chrysotile.

There is Germany, who will now come out with a resolution, and I think that the law will come out before the end of the year. Again after very careful study by the scientific people in Germany - You know, when a German wants to be a scientific person, he is really a scientific person -

(Laughter.)

they came to the conclusion of 1 fibre.

You have Belgium, who has two fibres,

Holland, also two fibres,

France, who has also adopted 2 fibres.

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All these decisions are very recent. The Simpson Committee (U.K.), for instance - Wilfred will correct me if I am wrong - made a proposal, which was made at the end of last year.

The present regulations of Italy are five fibres, but the industry is already working on the level of two fibres and is urging the government to impose two fibres per cc for all people using asbestos.

I think this gives you a rough idea of the situation and you will conclude that, looking at all those different regulations from country to country, the EEC had normally to be involved in the problem to try to reach a standardization for what is called the free exchange of products in the EEC.

Now, for the reason I mentioned, the question of the language, the question of the number of countries involved, the question of the positions which are so different from one country to another, they have not, today, reached a final solution, but they suggest - and I am really saying what is on the way now - the Commission itself is proposing that in the factories, the level should be 1 fibre per cc from the 1st of January 1985, and for crocidolite 0.2. The member states, such as Germany, France, Italy are strongly against the proposed level of 0.2. even if calculated "in the proportion of the mix".

What do they mean by "in the proportion..."? If, for instance, crocidolite is included with 10% in the mix, it is

assumed that the proportion of blue in fibre counting should be the same as that of the mix. So if you read 2 fibres/cc., that means that you are supposed to have 1/10th of it for crocidolite. 0.2, which is satisfactory.

So I should say, once more, that after long and detailed discussions and careful studies, the definite proposal of the Commission of the EEC is one fibre, as from the first of January 1985.

I do not want to give you more details about other countries, because this would be endless and take too much time.

You will understand that, having all over the world a level of two fibres, or one fibre/cc., When all our newspapers brought out the news that there was a proposal, rulemaking, of 0.1., in the USA, we were very surprised and shocked. I would like you to understand clearly what this would mean.

I do not know how clever you are in your factories in the States. We think, in the rest of the World that we are not totally incapable people. We do our best as regards dust monitoring. But I tell you very frankly, 0.1 is a level nobody can reach in our factories, neither in an asbestos-cement factory, nor, of course, in a textile factory.

So, for us, if the United States are to adopt 0.1 it is exactly similar to banning the product. It gives me the impression that the 0.1 policy, which is envisaged here in the States could be compared to someone playing golf. I know I am in a country with many golf players. I am not a golf

player but I know some people here who have this hobby. When a beginner starts this game, he will very easily play 150, and then he will go down to 140. He will take some lessons with an expensive teacher, then he will go down to 100. But the closer he comes to this famous handicap, which is - I should ask a golf player - I think it is 76 or something like that, depending on the golf course, the more difficult it becomes.

In our industry, I should say it is exactly the same. When I was 30 years old, when my job was as engineer in an asbestos-cement factory, everybody always used a clothes brush and when we came back to our offices, we had to brush off all the asbestos which stuck on our clothes. That means that normally the concentration in those days in many factories, even in good factories, not being aware of the risk involved may have been around 200 up to 1000 fibres/cc.

We went lower and lower. And we are now really at, what I would like to call, nearly the end of the curve, like my friend the golf player. We have reached two fibres per cc., and going even lower, below a certain level, is an absolutely impossible task.

Continuing the comparison with the golf player, I would say that telling us that the rule should be 0.1 is exactly like somebody who knows nothing about golf and looking at Palmer or Nicklaus or somebody like that and who, for once in his life makes a "hole in one". And you

say, Okay, you made a hole in one, so it is possible. So you will repeat this every day, otherwise you are not a champion any longer.

(Laughter, applause.)

What do you think about a hole, then, in 0.1?

(Laughter.)

To make sure that you understand me well, I would like to make another comparison. There was this wonderful tennis match - I do not know whether you followed it here in the States - between the famous McEnroe, Borg and Connors. Before making any comparison, I would like you if you have some influence in the sports world, to try to have those matches taking place in the morning, because when you broadcast them on the TV in the afternoon, they are shown late in the evening in Belgium. Everybody followed those matches in France and all over Europe and this made us stay awake until three o'clock in the morning.

(Laughter.)

By doing so, the productivity in our factories and offices on the following Monday morning was very, very low, so I would really appreciate your trying to play those matches in the morning so that we can, on Saturday and Sunday, go to bed at a normal time, which we do appreciate.

Coming back to McEnroe, I think that fixing a 0.1 level is again like somebody looking at the extraordinary service of this lefthanded McEnroe, and scoring, from time to time

an ace. And somebody, knowing nothing about tennis, should say "look, he makes an ace against Connors. Now we will change the rules of tennis. In order to win, you will always have to score aces." Same reasoning should apply when making 0.1 compulsory.

Now for the last part, I would like to see with you what could be the consequences of imposing a 0.1 level without - I'am sorry to say, but it is really what I think - without having the medical and the scientific evidence proving that such a low figure is necessary.

I don't want to interfere with what goes on in the States, but I would like to tell you what could be the consequences of this measure in the world. I think we have not only to think about your country - Mr. Tascherau told you very clearly yesterday that the United States are in many fields considered in all the Western World as leaders, not only in the asbestos field, but also in many others. People are looking towards you and they will copy your decisions. For South American or African countries, it is so easy for them, if they have to take a decision to 'open an umbrella' and people like doing that. And they will say, All right, the United States have imposed 0.1, we will do it too, and they are above critics. By doing so, asbestos containing products will be banned in those countries, without it being medically proved to be necessary.

Now, what could be the consequences? With your permission, I would like to take as an example asbestos cement,

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which is easier for me because I have been involved in asbestos cement for a little more than 30 years. The first product which should be aimed by that are pipes, which bring water to everybody. Do you know that I have seen in a newspaper three days ago that Unesco stated that today, every single day, 25,000 people die of thirst in the world.

Now, I am not a sales agent. I will not say that asbestos cement is the only pipe in the world that can be used, but I really do think that if for so many years people have used those pipes, it is because they really do consider that it is a good and resistant pipe, a pipe that you will not have to replace in the future, a pipe which is not expensive and that those countries often can produce locally. So let's think it over.

I would like to add that, as you know, asbestos cement pipes, as well as asbestos cement sheets consume little energy. That is to say that to produce one meter or one mile or whatever unit you want to choose, of water conduct, it takes less energy. And as far as I am concerned, the less energy we use, the happier we feel, especially after hearing this morning, what is happening in the OPEC countries, increasing the price of petrol. I think we must be concerned about emergy consumption. And this is also an element which should be taken into consideration.

The last example I will give concerns the possible consequences for construction.

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I am not the eldest of my family. I have an elder brother and he is a very intelligent man. He was a little bit in my way. For example, I was always introduced as the "small brother of my brother" - which I did not like very much. I prefer to be introduced as myself. So since he was very young, I told him, why don't you become a priest, so as to be out of my way?

(Laughter.)

I don't know if that is the only reason, but he is today a Jesuit. And I have the pleasure to tell you that he is what I really like to call a real Jesuit. That means that he is not married, that he still wears a small cross and he is not ashamed of being a Jesuit. He lives in Chile.

Now, he started about 20 years ago a system for erecting low-cost housing. I would not dare give you the figures of the total cost of the houses he still goes on building. But, being a Jesuit - you know, I begin to know them too - he tries to spare every cent he can. And what he does after studying the matter, for the roofs of those small houses, is to use asbestos cement sheets.

I will tell you an amusing story, to show you that he is careful for the cost. He asked me, because we have a company which is called Pizzareno in Chile, Oh, my 'small brother' - he always calls me 'my small brother' - Oh my small brother, could you intervene so that I could have good prices for sheets of this factory? I said, sorry, you know, but we have

Chilean shareholders in this company. I can only introduce you. But I do not want to interfere in the price fixing.

So he paid a visit to our Managing Director of this company and he discussed and asked for the best prices. He told them the sheets were for the poorest people in Chile. The Managing Director answered him 'Okay, I shall give you the best price directly from the factory. Nobody else has a price like this one'.

Well, he thought about it and said, thank you very much, I will think it over. A week later, he came back and he told our Managing Director - thank you very much for your good offer, but really I would like to tell you that I went to one of your dealers and he made me a much better price than you are directly from the factory.

(Laughter.)

That is only to show you that he is really 'price conscious' and that if he selected those products for low-cost housing, there must be a good reason for it.

So I would like to stress once more: think it over and really rethink it over again.

Maybe I would like to add one thing of my personal experience. When I enter a room and have to chair a meeting on a special subject, I normally study in detail the problem we are to discuss. Now, when entering the room, I have a solution in mind, but if the people round the table, all of them, have a different opinion to mine, being a very modest man, I begin to ask myself, well Etienne, if there are six

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people there and they all think black and you think white, don't you think there is a good chance that you are wrong and the six others are right?

Now I want to turn to our friends of the regulatory agencies. If they look round the world, they will see that none of the countries, none of the committees which involve medical people, scientific people, none of them propose the kind of regulations you have in mind. Oh you can perhaps say to yourselves: 'Maybe we are wrong' and propose a standard more in compliance with the rest of the world.

I am sure you share this view. The best example being the fact that Mrs. Eula Bingham - and I think this is a very positive fact - has accepted to pay a visit to France, to see why they decided to apply two fibres per cc.

I really hope that OSHA before promulgating any rule shall be sure they have taken into account all the experiences of other countries on the problem.

I would very much like to continue because this is such a charming assembly, but I think everything must come to an end. I would like to tell you, once more how deeply impressed I was by this interesting conference. However, you will allow me as a small Belgian man in front of the huge United States, to make a personal remark.

The fact is that even if every presentation was very interesting, very dynamic, I had the impression - maybe I am entirely wrong - that there is a kind of antagonism between

the industry and the regulatory agencies. I hope I am wrong. But I am really convinced that you should come back and discuss frankly and openly, as Mr. Gross from the CPCS clearly underlined yesterday. I give you this advice, but of course, it is up to you to follow it or not. But this is our experience. In Europe when we discuss those problems, we sit round a table with people of the unions, medical people, people from the industry and government people. I think we have been able to achieve regulations which we think are reasonable and are considered as such also by the medical world, which was involved in the decision. I really do think it is absolutely due to this high spirit of collaboration.

That is why I want to finish by wishing all of you to sit round a table and to take, as it was said, only as a start of discussion what was said before. I am sorry to tell you but I really do think you have to begin again on a new basis. Let all of you work together to achieve and to find a solution for that difficult problem. If you do so, I am sure that the asbestos and health problem will remain in the future, not only in the United States, but also in the world, an example of a good result which was reached by a close co-operation between all of you.

I thank you.

(Applause.)

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Concluding Remarks

Guy G. Gabrielson, Jr., Esq.

Mr. Gabrielson is a Pennsylvania attorney. Formerly, he was Chairman of the Board of Nicolet Incorporated and a member of the Executive Committee of the AIA/NA.

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[redacted]

Concluding Remarks

Guy G. Gabrielson, Jr.

How does one summarize a conference like this? Certainly one has to say we solved no problems during the last two days. Perhaps we redefined a problem or redefined several problems or identified some new problems. But solutions were conspicuous by their absence.

We have heard the view from industry, the view from government, the view from the scientific community, the view from Canada, and the view from the European Community.

Tom suggested that now that I am an alumnus of the asbestos industry, I could give perhaps an outsider's view. If I had been truly an outsider looking through the window at the proceedings of the last two days, I might have been astonished at what I saw, so many well meaning people differing on so many issues and unable to agree upon what should be a relatively simple charge: How to protect the health of workers and the general public from the possible hazards of asbestos exposure.

I did discover during the last two days in listening to these proceedings that 30 days is not enough time to expunge the biases that I have developed over 50 years of association with the asbestos industry and over 23 years working full time in the trade. It just isn't possible to do that in 30 days. I found myself emotionally involved in the proceedings, just

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as I have been in the past. Perhaps it is the firehorse syndrome or something like that, but I couldn't really take a very detached point of view.

My resignation from my office in Nicolet did not give me a new perspective on the proceedings over these last two days.

There was one thing, however, that did give me a new perspective, and that was the presence of Etienne van der Rest and Wilfred Penney. I kept asking myself as I listened to the presentations what their response might be, how would they see our conduct. And my questioning was confirmed later in private conversation with Etienne, at which time he expressed some measure of astonishment at the strident tones with which industry representatives and government representatives addressed one another. He clearly indicated that this was in dramatic contrast to the correct demeanor that one might expect when industry and government representatives encountered one another in the European Community.

I wondered to myself how I might explain that to these two gentlemen who are our guests. And I wondered further how I might explain it to me, to myself. Might it not help me understand the dynamics of the process by which we arrive at regulations in the United States?

I reflected upon this question quite a bit last evening. And the answer lies at least in part, I think, in our system and in part in the present attitudes of the electorate.

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First, as to the system. In the United States over recent decades we have developed what is called a body of administrative law and procedure. That has become much the greatest activity of the United States Government. In developing this administrative law and procedure, the process is for Congress to determine what objectives it might wish to achieve. It passes, then, a broadly stated enabling statute which sets that objective and creates either an executive agency, an executive department or an independent agency to implement and enforce that policy objective. But in the process it delegates to the agency a part of the legislative process. It says to the agency: You fill in the details in the rulemaking process. We state the broad objectives; you fill in the details.

Critics of American administrative law and procedure will say that in their view this is an unconstitutional delegation of legislative power; Congress should make the law, not agencies and departments.

The response of those who defend the system is that our economy and our society have become so complex and our electorate has demanded that our government do so much that it is beyond the capacity of the Congress to write all the laws and details. Therefore, delegation is a practical necessity.

Nevertheless, this continues to be an area of controversy in this country, and I think presents some serious

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problems which we face, symptoms of which were evident in the last two days.

What about the impact of the attitudes of the electorate? Joe McCaffrey spoke of this last night. He spoke of single-issue politics, and a lot is being written today about single-issue politics and special interest groups.

McCaffrey stated last night that there is great apathy among U. S. voters today, that the number of voters participating in our elections is declining, that those who come out to vote are these single-issue groups or special interest groups, that they will vote for that candidate who espouses their single issue and it doesn't matter what else the candidate stands for, that a great mass of the American voting public has abdicated its responsibilities and left the political process to the special interest groups and the single-issue people.

If that is true -- And it does concern me. I think there may be some truth in that. If that is true, a candidate for elective office must sit down and do some careful mathematics when he decides that he is going to run. He will say, Now, if I am going to favor the Equal Rights Amendment, I can expect in my district to have 5,000 votes from the ERA supporters. If I oppose the ERA, I can expect to have 3,000 votes from those who oppose the ERA. If I favor gun control, I can expect to get 1500 votes from the gun control people. If I oppose gun control, I can expect to get 2,500 votes

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from the people who oppose gun control. And he goes down his list that way.

Remember, these groups don't overlap; they are additive, they don't overlap. And if he espouses one issue, he does not offend any of the other groups among these single-issue people.

If it is true that we get elected that way and it is true of the presidency on a larger scale as well, then when these people finally take office, they are obligated to all these single-issue people and special interest groups and they must reward them, they must introduce, support, and endeavor to pass legislation that satisfied the objectives of these people.

But notice nobody in this system, if it is carried to the extreme, concerns himself with the functioning of the whole system or the impact of one issue upon another or the balancing of priorities. It is simply a matter of satisfying these people who concentrate on one thing only. That is an unhealthy situation.

Then, unfortunately, once these people are in office, they stage their quadrennial federal job bazaar. At that time the people who are elected to Congress cooperate with the President, the fellow who has been elected President, to reward the people who helped them get elected. So they reward the single-issue people in assigning jobs to them. And typically in recent years, they have assigned jobs from a special

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interest group to that agency which is supposed to develop and enforce the policy issue that the single-issue group supported. In other words, if it is an environmentalist, the leaders of the environmental movement are all candidates for jobs in the agencies which are to implement the environmental program and which are to develop the legislation, develop the regulations, which is the final step in the legislative process.

What happens in this environment I think is this, that representatives of industry obviously owe their first allegiance to shareholders; by the very nature of their jobs their first loyalty must be to their shareholders. And if they are going to satisfy their obligation to their shareholders, they also must deal effectively with and satisfy their customers, their suppliers, and their employees. Otherwise, they can't return the profits that the shareholders seek. So they are apt to be concerned first with shareholders, customers, suppliers, and employees. That is proper and that is understandable.

We have a good deal of literature today, papers and books, calling attention to the social responsibility of management and certainly in my view management is not irresponsible, but in its order of priorities it must put the shareholders, the customers, suppliers, and employees first. A manager would hesitate to close down a profitable business by reason of the public interest unless he had clear evidence that this was a socially desirable thing to do. So it is

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difficult to get him to take a step of that kind. He is apt to require a lot of persuasion before he will accede to anv such proposal.

On the other hand, in the regulatory agency, using the system that we have developed, the first loyalty of many of the key people -- I don't say all, but many of the key people -- in the regulatory agency is to the constituency that put them where they are, that brought them to prominence, that led to their appointment to these jobs. And when they get in these jobs, they are very likely to say,"My frist loyalty is to that constituency. They were successful in supporting candidates in the election and, in turn, those candidates passed the statute which enables us to take this government initiative. My job, therefore, is to push that as far as I can, to push toward the objective as far as I can in the interest of my constituency, to regulate as stringently as I can. It is up to someone else in our system to represent interests that may be hurt by that, it is not my responsibility.'

Although the regulatory agencies, of course, are set up in a framework which requires that they be referees in this situation, that they be both the proponents of regulation and the institution that decides what the regulation is to be, in practical effect they can't function in that dual role. That is one of the weaknesses of our administrative law system.

So what you have, I think, is a situation in regulatory development where you have two protagonists. The protagonists

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are industry and the regulatory agency. And, in practical effect, you have no neutral tribunal to which these two parties can come for resolution of their differences.

To make matters worse, there is no larger tribunal out in the electorate, there is no larger tribunal of active, interested citizens who are not single-issue people, active interested citizens who are committed to the preservation of the total system and its efficient functioning and who will take a balanced view and support official agencies in their efforts to reach compromise or agreement.

The consequence is that you have the kind of polarization we saw yesterday. Each side is suspicious of the other, each side is reluctant to modify its position because it is afraid that the modified position will become a new point of departure for further modification.

So attitudes harden and suspicion grows. Frustration grows, and finally in desperation we occasionally are inclined to question the motives of the fellow on the other side or his ethics or his intelligence.

I sound a pessimistic note, I know. And I don't mean to say that it is a hopeless situation. There should be and there are people on both sides who genuinely want to reach some kind of reasonable accord. But the system and the attitudes of our voting public today have weakened the incentive to reach accord and have greatly enhanced the risks of compromise.

So we have this unfortunate dilemma, which often must be resolved, not at the administrative level, but in our courts, a time-consuming and in many respects unsatisfactory alternative for all of us.

Will this change? I certainly hope so. There are proposals for modifying our administrative processes, and you heard of some of them during this Conference. I won't name them. The greatest hope for a change in this situation is for Joe McCaffrey's wish to be satisfied, and that is a revival of interest on the part of our electorate in the processes of government, get them to abandon their professional football games and their soap operas and their horror movies long enough to involve themselves in governmental process and take an interest in preserving our system and making it work better. If that happens, we will be a lot better off.

Industry and the regulatory agencies at the present time, in my opinion, sometimes are in the situation of shouting at one another in a vacuum, and there is no one out there to help them resolve their differences, no one to whom they can turn for a final decision, a final decision which really belongs to the electorate as a whole.

That is my best explanation of this kind of thing you have been seeing. It provides an opportunity for pagan Americans to exercise their hobby of verbally assaulting one another upon occasion. But it is not conducive to good government or good social organization.

I would like to comment a little bit about some things that were said today. I would preface my remarks by saying that I now am no longer a member of the Board of Directors of the AIA/NA and I no longer am a member of the Executive Committee or an officer of the Association. So I ask those of you who are members of the Association to give your best cooperation to those who continue in these roles and to deal with them charitably and understand some of their difficulties.

As you know, our present budget is a large budget by contrast with the budgets in the past and it has imposed a considerable burden on our member companies.

Proposals were made this morning for the Association to mount a public relations campaign, and I will not quarrel with those proposals. Curt Linke is of the opinion, and I am inclined to agree with him, that the slippage which occurs in the development of regulations is very likely to continually postpone the resolution of our regulatory issues, while in the meantime the publicity that is given to the hazards of asbestos may erode and possibly destroy our markets. So that even if we prevailed in the regulatory arena, we might find ourselves with a pyrrhic victory.

For that reason, he argues for and Matt Swetonic argues for a public relations campaign. I cannot quarrel with the logic of the argument. But, as Dimitry Poutiatine pointed out, we have problems in paying for so many things. Perhaps we cannot win the battle of survival for the asbestos industry

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unless we do both, unless we mount the major regulatory effort and mount the public relations effort, as well. Maybe someone would be so bold as to say, Either you do both or you might as well save your money and do neither. I am not quite prepared to go that far, but I can understand some who might argue that point.

The problem, however, in implementing a more expensive program than the Association has now is a problem to which I have alluded in the past, and that is that the asbestos industry really is not an industry. It is not an industry in the sense that the primary steel producers are the steel industry or the rubber industry. We speak of the asbestos industry but we really aren't an industry. We are a collection of highly varied businesses, all of whom have some degree of interest in the asbestos fibre.

The degree of commitment of our members to asbestos ranges over a broad spectrum, as does the degree of our dependence upon asbestos fibre. It has nothing to do with the size of our member companies. Some can with relative ease abandon asbestos and either write off the business or go to something else. For others, to abandon asbestos probably means extinction of the business.

It is extremely difficult to develop a dues structure for a group of companies, members of a trade association, with the variety that the members of our Association exhibit. How do you allocate the costs among all these companies who

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have such differing degrees of commitment to and dependence upon the material of common interest? It is not easy to do.

I think the Association may be encouraged by the news which was given to you yesterday that the Canadian miners are coming forward with financial support, because on this spectrum of which I speak, they would be at the end where the commitment is greatest and the dependence on fibre is the greatest. That may be the answer to our problem in the long run.

The Executive Committee and the Board of Directors, in its turn, I am sure will be wrestling with the issue of a public relations campaign and whether or not it fits into the program of this Association and how ambitious it can be. Please give them all the help and support you can, because it is not going to be an easy issue for them and is fraught with certain hazard for the Association.

We solved no problems during the last two days. We asked a lot of questions. I leave here, as usual, somewhat exhausted and confused, as I am sure many of you do. But I think the issues we were addressing are important, important to our industry, important to the country as a whole, as an example of things that are going to occur in other industries in the future.

I urge you to continue your support of this Association.

It is not my duty, it is Tom Dougherty's duty, to close

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these proceedings. I will take the liberty, however, on your behalf of thanking him for his masterful job in conducting the meeting over the last two days.

Thank you, Tom.

(Applause.)

President Dougherty: Thank you, Guy. I thought you would never get to it.

(Laughter.)

Thank you all for your attendance and your participation. And, Guy, as usual, a masterful job.

Thank you very much. The meeting is adjourned.

(Applause.)

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ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

INDUSTRY-GOVERNMENT CONFERENCE

September 17-18, 1980

Attendance List

Steven Albert	Fred C. Hart Associates
Jan Amundson, Esq.	National Association of Manufacturers
Joseph A. Artabane, Esq.	Cadwalader, Wickersham and Taft
Paul K. Ase	IIT Research Institute
Angela O. Bannon	3M Company
F. W. Barton	Reddaway Manufacturing Co., Inc.
John Baulis	Insurance Company of N. America
Jean Bazin, Esq.	Quebec Asbestos Mining Association
William H. Beamer	The Dow Chemical Company
W. H. Beasley	Cement Asbestos Products Company
Charles E. Beaulieu	Government of Quebec
Robert Beliles, Ph.D.	OSHA
Philip Z. Berg	AIA/NA Staff
H. William Blakeslee	CertainTeed Corporation
E. C. Bratt	Southern Textile Corporation
Frank M. Brown	Connell Brothers Company, Ltd.
Dennis Browne	Canadian Embassy
Michael J. Christopherson	Processed Minerals, Inc.
William C. Clark	Asten-Hill Company
Robert P. Connolly	CertainTeed Corporation
J. E. Connor	Johns-Manville Corporation
Martin F. Connor, III, Esq.	General Electric Company
F. H. Cook	Atlas Turner, Inc.
Linda Cooper	Biotechnology, Inc.
Kenneth S. Crump, Ph.D.	Science Research Systems, Inc.
John Daniel, Esq.	Johns-Manville Corporation
Richard T. Davis, C.P.A.	Frantz & Company, Chartered
Thomas A. Dougherty	CertainTeed Corporation
Edward W. Drislane	Friction Materials Standards Institute
John Dunlop	Harvard University
W. S. Durrell, Ph.D.	Jim Walter Corporation
Richard M. Egan	Ashland Oil Inc.
Doris Fagan	Asbestos Magazine
W. Fassuliotis	GAF Corporation
Gershon Fishbein	Occupational Safety and Health Letter
Edward M. Foley	General Electric Company
John J. Francis	Pure Asphalt Company
David Frizzel	EPA

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Guy G. Gabrielson, Jr., Esq.	
Burton Gale	Resinoid Engineering Corporation
Mark Gallant	U.S. Chamber of Commerce
Stanley Garil	U.S. International Trade Commission
Helen Gelbad	Office of Toxic Assessment, U.S. Congress
Merle Gibson, M.D.	General Motors Corporation
Bernard F. Gilmartin	Owens Corning Fiberglass
Gwendolyn S. Goldman	Versar, Inc.
Michael Gough	Office of Toxic Assessment,U.S. Congress
Richard A. Gross	CPSC
Richard Guimond	EPA
Judy Haberek	Job Safety and Health Report
Marc Halpern	Booz, Allen and Hamilton, Inc
Timothy S. Hardy, Esq.	Kirkland and Ellis
Pat Harrigan	EPA
Allan M. Harvey	R. T. Vanderbilt Company, Inc.
Clarence A. Herbst, Sr.	Resinoid Engineering Corporation
A. R. Hooker, Jr.	The Flintkote Company
Rick Horner	EPA
Dan Houck	Asbestos Cement Pipe Producers Association
Robert Hoylman	Calaveras Asbestos, Ltd.
Charles Huggins	U.S. Bureau of Mines
J. T. Hunter	National Insulation Contractors Association
Steve A. Hunter	Coyne Cylinder Company
B. J. Iwarsson	Abex Corporation
Joseph C. Jackson	Asbestos Cement Pipe Producers Association
Robert L. Jennings, Jr., Esq.	OSHA
Kirk Johnson	EPA
Carol A. Jones	Harvard Business School
Han Kang, Ph.D.	OSHA
Edward Kaufman	P. T. Brake Lining Company, Inc.
Alvin G. Keene	Gorham International, Inc.
Jack Keith	Rostone Corporation
Dennis Kelleher	Johns-Manville Corporation
Robert F. Kelley	Union Carbide Corporation
Sandy Kerst	Association of Home Appliance Mfgrs.
William B. King	Armstrong World Industries, Inc.
Roman B. Korobij	CertainTeed Corporation
Paul Kotin, M.D.	Johns-Manville Corporation
Diane Kraft	Mine Safety and Helath Administration
William H. Krebs, Ph.D	General Motors Corporation
Dan Kush	CertainTeed Corporation

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David R. Lavalette	General Dynamics
A. C. Liggett	Nuturn Corporation
Curtis G. Linke	Johns-Manville Corporation
John Lonnquist, Jr., Esq.	Johns-Manville Corporation
Robert Manahan	Johns-Manville Corporation
Thomas Markham, M.D.	Naval Material Command
John H. Marsh	Raybestos Manhattan, Inc.
Thomas O. Mathues	General Motors Corporation
David Mayer	EPA
Major John Mazur	Glasrock
Robert C. McAdam	National Roofing Contractors Assoc.
Richard McAllister	EPA
Joseph McCaffrey	Washington Congressional Reporter
Wyatt McCallie, Esq.	Johns-Manville Corporation
Jack McCambridge	Booz, Allen and Hamilton, Inc.
R. A. McGee	Research Cottrell
John A. McKinney	Johns-Manville Corporation
Fred L. Metz	EPA
Charles Middlebrooks	Gulf States Asphalt Company, Inc.
Robert C. Miller	Prudential Supply Corporation
William E. Milligan	Molded Materials Company
George Moeller	National Roofing Contractors Assoc.
Joseph T. Mooney, Jr.	Monsey Products Company
James A. Moore	GCO Minerals Company
William Morrisey	Design Products
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Connie Musgrove	EPA
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Cindy Neal	AIA/NA Staff
K. W. Nelson	Cement Asbestos Products Company
A. E. Netter	Supradur Manufacturing Corporation
Adam Novak	Huxley Development Corporation
James O'Dowd	Jim Walter Research Corporation
J. P. T. Pearman	National Cancer Institute
Wilfred Penney	Asbestos Information Centre
William L. Petrie	National Academy of Sciences
Jan Pettitt	Glasrock
James W. Phillips	Nilfisk of America, Inc.
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Oscar Pladek	P Q Corporation
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Charles Poole	EPA
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Peter Principe	EPA
Gene Proctor	NASA

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Daniel Reinhard	Office of Asst. Secretary of Navy
Forest Reinhardt	EPA
James F. Reis	Johns-Manville Corporation
H. B. Rhodes, Dr. Eng. Sc.	Union Carbide Corporation
Bradford Rich	Insurance Company of N. America
John Riopelle	The Bendix Corporation
Donald Ritter	U. S. Congress
Sarah Robinson	EPA
Harold W. Roher	Wayne Electric Corporation
Richard L. Romine	Diamond Shamrock/Electrode Corp.
Tatiana Roodkowsky	U. S. Chamber of Commerce
Malcolm Ross, Ph.D.	U.S. Geological Survey
James N. Rowe, Ph.D.	EPA
C. J. Rozas	Rockwell International
Susan Rudzinski	EPA
Kurt Schwarz	Supradur Manufacturing Corporation
Kathy Scott	Occupational Safety and Health Reporter
F. J. Shell	Drilling Specialties Company
Steve Simon	OSHA
Charles Skelly	Johns-Manville Corporation
H. Catherine W. Skinner, Ph.D.	Yale University
Wayne Skocytec	Mobil Oil Corporation
W. M. Sleeth	H. K. Porter Company, Inc.
John Small, Ph.D.	National Bureau of Standards
Christine Spadafor	EPA
Hugh Spitzer	CPSC
Charles M. Spooner, Ph.D.	Bolt, Berauek and Newman
David N. Staples	Office of Chief of Naval Operations
Wanda Steele	AIA/NA Staff
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Fred W. Swartz	Hooker Chemical Company
Matthew Swetonic	Hill and Knowlton, Inc.
Doug Tang	EPA
M. E. Tashereau	Asbestos Corporation Ltd.
George E. Thompson, Ph.D.	FDA
June Thompson	EPA
Richard L. Trachtman, Esq.	AIA/NA Staff
Peter Trettin	Special Materials, Inc. Illinois
Armand P. Thomas	A. F. Meyer & Associates
W. F. Uhl, Jr.	PPG Industries, Inc.
E. van der Rest	Asbestos International Association
Bob Varela	Product Safety Letter
Mark G. Veckman, Jr.	International Paper Company
Gerard N. vonDohlen	Costal Steel Corporation

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Sam Walker	Employment Safety and Health Guide
Edward W. Warren, Esq.	Kirkland and Ellis
James E. Warren	NIOSH
William J. Way	General Motors Corporation
Hans Weill, M.D.	Tulane University
Richard D. Weiner	The Rockbestos Company
John Welch	Asbestos Cement Pipe Producers Association
David Welsh	OSHA
W. R. Werner	CertainTeed Corporation
W. T. Whitley	Cement Asbestos Products Company
Grant Wilson, Jr.	Grant Wilson, Inc.
Ann R. Wise	Hollingsworth and Vose Company
Frank Zimmerman	National Gypsum Company

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