MEMORANDUM

TO: Kathryn R. Devincenzi

FROM: Martha M. Mangold

DATE: February 6, 1984

RE: Review of IHF Documents

I reviewed various Industrial Health Foundation ("IHF") documents to ascertain if the insurance industry had knowledge of asbestos studies, publications and conferences sponsored by the IHF. Information sources were limited to Dr. Daniel Carl Braun's deposition taken in a consolidated action in 1981 and the exhibits identified and authenticated in that deposition. Dr. Braun has been president of the IHF since 1972. He also served as manager of Occupational Health Services from 1970 until 1972 and as Medical Director from 1951 until 1957.

The deposition, taken April 29 and 30, 1981 and continued on October 20 and 21, 1981, was for identification and authentication purposes only; no substantive testimony was given at this stage of the deposition.

J-M was one of the many asbestos manufacturers named as defendants in one or more of the actions consolidated for the purposes of this deposition. I was unable to gleen from this segment of the deposition the exact nature of the allegations raised by the plaintiffs. Presumably, concealment was alleged, hence the desire to obtain information from the IHF showing early asbestos industry knowledge of the risks of exposure to asbestos.

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I have summarized the important aspects of the deposition and exhibits. I reviewed all the exhibits identified and marked for authentication at the deposition (Asbestos Health Litigation Documents, microfilm reels No. 41, 42 and 43) and summarized the important ones. This summary is attached and designated "Appendix I." Only the document ascession number for the first page of the document is given. I have also indicated with an asterick the more important documents that may merit reading in the original. Please skim through the index and read the summaries so indicated. Various membership lists attached to the Braun deposition and found on microfilm have also been appended and designated "Appendix II."

The IHF

The IHF has been in existence since 1935. At that time it was named the Air Hygiene Foundation of America, Incorporated. It had a subsequent name change in 1941 to the Industrial Hygiene Foundation of America, Incorporated. In 1969 it came to be called the Industrial Health Foundation. The basic function of the IHF has remained constant since its inception. It is a non-profit research organization dedicated to the improvement of healthful working conditions in industry. It is maintained in part by dues of member companies and in part from the earnings of the work it does for those member companies and others. IHF activities include offering consultative services to member companies, monitoring the level and nature of contaminants in the workplace, establishing and implementing industrial hygiene, medical and/or

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safety programs, offering courses for occupational nurses, doctors and industrial hygiene engineers, and publishing a digest and various newsletters.

The IHF maintains archives of the records related to its provision of services. Although it does have a retention system whereby correspondence, raw data for studies, and reports are retained and filed for a fixed number of years prior to destruction, materials regarding asbestos are not part of this program. No IHF documents that pertain to asbestos have been destroyed.

Dissemination of Publications

In 1937 the IHF began publication of the monthly Industrial Hygiene Digest. The IHF collects information from current scientific literature on occupational health found in various technical journals, abstracts it and then publishes this information in the Digest. A sample of the types of articles abstracted can be found on pages 66-69 of Appendix I. I listed only the abstracts that pertain to asbestos articles. Note that these articles were written in the late-30's and early-40's. The IHF also publishes special bulletins such as Medical bulletins, Legal bulletins, Management and Engineering and a newsletter called Memos to Members issued about four times a year.

The Digest is sent regularly to all members in such quantity as determined by the amount of dues paid. Dues are established by the number of employees in a particular company, i.e., one Digest for every $130 of dues paid. Twenty Digests is

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the maximum number sent to any one company. The IHF, however, does not maintain records of who, within the company, received the copies. The newsletters are sent, upon request, to anyone belonging to a member company. The special bulletins are sent, at a small cost, to anyone requesting them. Thus, while the Digests were disseminated to member companies, no records were kept of recipients other than the person listed as liaison between the company and the IHF.

Material generated at the request of a member company or at the request of the government is given only to the sponsor and not disseminated even to other member companies except through scientific publications.

Studies

Appendix I summarizes all studies and proposals for studies done by the IHF. The most important study done was the Quebec Asbestos Mine Association ("QAMA") epidemiological study of lung cancer in asbestos miners. (An abbreviated version of this study was subsequently published as the Braun-Traun Report.) The study was funded by QAMA, of which J-M was a member. Dr. Braun obtained records of death claims paid from the Sun Life Assurance Company of Canada and Montreal. Although Sun was aware of the nature and purpose of the study, the results of the study showed no higher incidents of cancer among chrysotile asbestos miners. Thus, Sun had no knowledge of the hazards of asbestos from its involvement with the QAMA study. See p. 13 of Appendix I for summary of the study, and document No. 420471, p. 32, 420481-3, p.

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33 and 421758, p. 47 for references to communications with Sun.

At the time the QAMA study was proposed, the American Textile Institute ("ATI"), of which J-M was a member, was also planning a study of the effects of asbestos exposure on textile workers. The epidemiological study was to determine if there was a relationship between lung cancer and asbestosis and whether a relationship existed between lung cancer and any considerable exposure to asbestos fiber and dust. This study was to be a companion study to the QAMA study.

A preliminary investigative survey of ATI member plants was performed in 1956. This preliminary investigation also included a review of the insurance companies of the ATI members. See document 421235, p. 42. A formal proposal was submitted by the IHF to the ATI in April, 1956. The ATI, however, dropped the study in April, 1957. No reason for this decision was articulated in the documents I reviewed. See documents 420350, p. 29; 420398, p. 30; and 420543, p. 33.

Membership

The IHF, at numerous times, has had various representatives of the insurance industry on its membership rolls. The American Insurance Association ("AIA") was one of the larger insurance industry members. The AIA was the successor to the Association of Casualty and Surety Companies ("ACSC"). The microfilm copy of the IHF card index of members lists that the AIA joined in 1938 with Andrew Kalmykow as consultant. Neither the AIA nor the ACSC was listed as a member on the membership list in

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1938, but the Association of Casualty and Surety Executives ("ACSE") name did appear on the 1937, 1943, 1944, 1945 and 1946 lists.

There are no complete membership lists for the years 1947 through 1957, only lists for new members. On the 1959 list, the ACSC was listed and the ACSE was not. The 1964 membership list indicates that the ACSC joined in 1938. Perhaps the ACSC was the predecessor of the AIA and the ACSE was the predecessor of it.

Another multiple membership insurance organization that was a member of the IHF was the National Association of Mutual Casualty Companies. It joined the IHF in 1945 and ceased to be on the membership list in 1965. In 1966, however, American Mutual Insurance Alliance was listed on the membership roll. The 1968 membership list indicated that the American Mutual Insurance Alliance joined in 1945 -- the same year that the National Association of Mutual Casualty Companies joined. Thus, they are probably the same organization. In 1977, the American Mutual Insurance Alliance changed its name to the Alliance of American Insurers. 1980 and 1981 membership lists indicate that the Alliance of American Insurers was formerly the American Mutual Insurance Alliance. Its membership continued through 1981. Like the ACSC, it had representatives on the Board of Trustees and on the various management committees of the IHF.

The following is a list of insurance industry members and the year they joined:

1937 Association of Casualty and Surety Executives

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1938 No record.

1939 No record.

1940 American Mutual Liability Insurance Company

Liberty Mutual Insurance Company

Maryland Self Insurers

1941 Michigan Mutual Liability Company

1942 Employers Mutual Liability Insurance Company

1943 No new members.

1944 National Association of Mutual Casualty Companies

1945 Arrow Mutual Liability Insurance Company

1946-1951 No new members.

1952 No record.

1953 No new members.

1954 No new members.

1955 Industrial Indemnity Company

1956 Equitable Life Assurance Society of the United States (member through 1976)

Pennsylvania Manufacturers Association Casualty Insurance Company

1957 No new members.

1958 No record.

1959 Complete membership list for the first time since 1946.

Association of Casualty and Surety Companies

Equitable Life Assurance Society of the U.S.

Maryland Self Insurers Association

National Association of Mutual Casualty Companies

Pennsylvania Manufacturers Association

Casualty Insurance Company

1960 No record.

1961 No new members.

1962 No new members.

1963 No new members.

1964 No new members.

1965 Partial list. National Association of Mutual Casualty Companies is not on the list.

1966 American Insurance Association

American Mutual Insurance Alliance

(Both of the above organizations are of multiple membership.)

1967 No new members.

1968 Continental Insurance Companies

1969 No new members.

1970 Argonaut Insurance Company

Travelers Insurance Company

1971 Argonaut Insurance Company listed as a new member in 1971 although its name appears on the membership list in 1970.

1972 No new members.

1973 No new members.

1974 List incomplete. No new members.

1975 No new members.

1976 No new members.

1977 American Mutual Insurance Alliance is no longer

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listed on the membership roll, however; Alliance of American Insurers is listed as joining in 1945.

1978 No new members.

1979 Bituminous Insurance Companies General Accident Group

U.S. Fidelty and Guaranty Company

American Insurance Association is no longer listed on the membership roll, however, the Engineering and Safety Department of the American Insurance Association is listed.

1980 Home Insurance Company

1981 No new members.

The following is an alphabetical list of names of persons who were involved with the IHF as members of the Board of Trustees or on various membership committees. This information was taken from microfilmed copies of the annual reports for the years 1957 through 1979. Pre-1957 annual reports were not available from the microfilm.

Richard I. Bleier	(American Mutual Insurance Alliance). Member of the Engineering Committee in 1969 and 1970.
M. Rae Connors	(Employers Insurance Company of Wassau). Member of the Nursing Committee in 1978 and 1979.
William R. Cunnick	(Metropolitan Life Insurance Company). Elected to serve on the Board of Trustees for 1975, 1976, 1977, 1978 and 1979.
Frederick H. Deeg	(American Mutual Insurance Alliance). Elected to the Board of Trustees in 1966, 1967 and 1969.

Dewey Dorsett	(Association of Casualty and Surety Companies). Elected to serve on the Board of Trustees in 1957.
Floyd E. Frazier	(American Mutual Insurance Alliance). Participated in the 1964 legal conference.
W.E. Guthier	(Alliance of American Insurers). Elected to the Board of Trustees in 1979.
Theodore Hetzler	(American Mutual Insurance Alliance). Elected to the Board of Trustees in 1967; (National Association of Mutual Casualty Companies). Elected to the Board of Trustees in 1957.
Newell R. Johnson	(American Mutual Insurance Alliance). Elected to the Board of Trustees in 1960, 1961 and 1962.
Andrew Kalmykow	(Association of Casualty and Surety Companies). Elected to the Board of Trustees in 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969. Also member of the Legal Committee. Elected chairman of the Legal Committee 1974, 1975, 1976, 1977, and 1978. Also on the Board of Trustees during this time.
B.E. Kuechle	(Employers Mutual Liability Insurance Company). Elected to the Board of Trustees in 1957.
R. Newell Lusby	(American Fire Royalty Insurance Group). Attended and spoke at 1962 meeting.
E.G. Meiter	(Employers Mutual of Wassau). Elected to the Board of Trustees in 1957 and 1963.
James H. Pollard	(American Mutual Liability Insurance Company). Attended and spoke at 1962 IHF meeting. See document No. 430412, p. 57.
Regan	(The Self-Insurers Association). Elected to the Board of Trustees in 1957.
V.P. Shepard	(Metropolitan Life Insurance Company). Elected to the Board of Trustees in 1957.
James S. Stickles	(Alliance of American Insurers, formerly American Mutual Insurance Alliance). Elected to the Board of Trustees in 1976 and 1979. Elected to the Board of Trustees and on the Legal Committee in 1974, 1975, 1976, 1977, and 1978.

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Colby Tibbets	(Metropolitan Life Insurance Company). Elected to the Board of Trustees in 1979.
Herbert T. Wallworth	(Lumberman's Mutual Casualty Company). Member of the Engineering Committee 1963, 1965, 1967 and 1969.
George Wheatly	(Metropolitan Life Insurance Company). Elected to the Board of Trustees in 1969 and 1970.
Paul Wise	(American Mutual Insurance Alliance). Elected to the Board of Trustees in 1964.

See also information taken from membership index files which indicates the member's name, its liaison the IHF, and dates the member joined and resigned at p. 65 of Appendix I.

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