P.O. Box 5723

August 11, 1978

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Thomas C. DeLorenzo
Marshall, Dennehey & Warner
1515 Locust Street
Philadelphia, PA 19102

RE: Asbestos Cases - NICA Records

Dear Tom:

Please excuse the delay in responding to your letter of July 5, 1978. We have obtained a copy of the NICA records dating back to 1953 which include the records of its predecessor organization, of the Insulation Distributor-Contractors National Association (IDCNA). These documents include reports of committee meetings, board of director meetings, convention meetings, as well as miscellaneous correspondence.

Recently I reviewed the entire set of documents we have received from the NICA. While the number of documents in these materials is substantial, in the main they are of no significance in our litigation. I did come across two items of interest, which I am enclosing. On the second page of the program of IDCNA's Ninth Annual Convention, Dr. Kenneth W. Smith of J-M is listed as giving the featured address on "Asbestosis". This is particularly interesting since the convention was held on October 27, 1964, only two weeks after Dr. Selikoff presented his paper at the New York Academy of Science, which Dr. Smith attended.

I have been able to locate a J-M employee who attended this NICA Convention. He recalled that Dr. Smith basically discounted Dr. Selikoff's findings and gave the impression that insulators were not at risk. While this information tends to impeach Dr. Smith's testimony concerning warnings he had given to J-M, it also undermines our position of responding to the health hazard to insulation workers once the danger was known. Because this information must be employed judiciously, if at all, we do not want these documents circulated among counsel at this time.

The second set of documents is part of the program of the Tenth Annual National Meeting of the IDCNA held on October 10 through 14, 1965. On the second day, an address was given by Dr. Irving Selikoff on "Lung Disease Among Insulation Workers". Mr. Carl W. Sickles, President of the International Association of Heat and Frost Insulators and Asbestos Workers attended that convention.

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I would assume that this information would be particular relevant in those cases in which a contractor was a member of the IDCNA. Therefore, I have included a list of all the attendees and member associations with these documents.

Very truly yours,

James K. Green
Senior Attorney

JKG/re

Enclosures

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