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Memorandum For: TECHNICAL COMMITTEE

Subject: Meeting, Wednesday, March 1, 1978

Please be reminded that, as announced last meeting, January 25, the AIA/NA Technical Committee will next meet in the Association's office, Wednesday, March 1, 1978, commencing at 9:00 AM. It is expected that the meeting will adjourn by 3:00 PM.

A tentative agenda for the meeting is attached. Suggestions for additional items are invited. Minutes of the January 25th meeting are also attached.

Chairman Fenner emphasizes the importance of this meeting as the Association seeks to provide all assistance necessary to finalizing AIA/NA's alternative for an OSHA construction standard.

Please use the enclosed form to notify us of your attendance and hotel arrangements as might be required.

B.H. Mereness
Executive Director

cc: Executive Committee
Standards Advisory Committee

Enclosures

EXHIBIT P-731

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AIA/NA TECHNICAL COMMITTEE

Association Office 1 March 1978

Tentative Agenda

I Welcome

II Minutes of Previous Meeting, January 25, 1978

III Review of Federal and State Regulatory Actions and Initiatives

IV Generic Cancer Policy Proposals by Regulatory Agencies

V EEH Study - AIA/NA Alternative for OSHA Construction Industry Standard
- A. Work Practice documents

VI Committee Projects and Assignments
- A. Engineering controls for asbestos dust
- B. Sources for dust control equipment
- C. Labeling, material data sheets
- D. Employee training program

VII Meetings of Interest

VIII Other Business
- A. Next meeting

IX Adjournment

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MINUTES

AIA/NA TECHNICAL COMMITTEE

JANUARY 25, 1978

The meeting was called to order by the Chairman in the Association office at 9:05 A.M.

Present were:

E. M. Fenner	J-M Corporation
James G. Heil	CertainTeed Corporation
Martin G. Kemplin	Nicolet, Inc.
William H. Mortenson	The Flintkote Co.
H. B. Rhodes, Ph.D.	Union Carbide Corporation
Raymond F. Treml	Molded Materials Inc.
I. H. Weaver	R/M Inc.
James Weber	The Bendix Corporation
Frank Zimmerman	National Gypsum Co.
R. H. Mereness	AIA/NA Staff
B. J. Pigg	AIA/NA Staff

A copy of the meeting agenda is attached.

Review of Minutes of Last Meeting

Dr. Rhodes discussed the present status of the California situation. Included were the personnel changes in the State Department of Health and Union Carbide's activities in lobbying for a modification of the Presley bill.

It was reported that the hearing and comment dates relative to the generic standard for occupational exposure to carcinogenic substances had been changed. The hearing is now scheduled for May 16 and written testimony will be received until February 28.

Dr. Rhodes commented on the present status of the construction industry study being performed by Equitable Environmental Health, Inc. Further actions, that may be required of the Technical Committee will be advised following meetings of the Ad Hoc Committee on Construction, AIA/NA's Standards Advisory Committee and status review of the Executive Commi

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Federal & State Regulatory Action

Mr. Mereness reviewed Federal and State regulatory actions and initiatives.

He discussed the contract from OSHA to RTI Inc. to consolidate the findings of CONSAD and RTI into one report. The committee was provided with a contract statement of work.

Mr. Fenner reviewed the OSHA draft proposal for labeling materials used in the workplace and requested any comments by Committee members suggested for forwarding to OSHA by AIA be advised to him within one week.

For additional information on this subject, see attached outline of Executive Director's remarks.

Role of Technical Committee

The following subjects were discussed:

Area of Responsibility - The Technical Committee will work with and assist the Executive Committee, Board of Directors, and association committees in all technical matters relating to the work of the Association.

Membership - Mr. Mereness agreed that continued representation is necessary from Congoleum Industries, Inc., The Flintkote Co. and Garlock. He will arrange with the company directors for representatives to the Technical Committee.

EEH Study - Dr. Rhodes reported that a meeting is scheduled at the Association's office tomorrow (Thursday, January 26) with representatives of EEH, Inc. to discuss improving their report.

Monitoring - Dr. Rhodes reported highly satisfactory response to the monitoring program. There are 28 laboratories who have agreed to collect samples and perform analyses and 18 additional laboratories who will do analysis work. Mr. Mereness reported that the status of OSHA's participation had not been resolved.

Work Practices - It was agreed that the Technical Committee would do no further work until the Executive Committee approved the concept of the Association's preparation for submission to OSHA of a proposed construction industry standard based on work practices. This program will be presented to the Executive Committee for approval at their next meeting. The existing recommended work practices will not be modified pending

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January 1978

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II - Meetings of Interest:

(1) Report on SOEH Meeting, Mayflower Hotel, Washington, D.C. (12/4 - 12/7/77)

(2) Symposium on Risk/Benefit Decisions and the Public Health (FDA sponsored) - U.S. Air Force Academy, Colorado Springs, Colo., 2/15 - 2/17/78.

(3) N.Y. Academy of Sciences International Conference on Asbestos (6/24 - 6/27/78)

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Draft of letter prepared by Wendell Alcorn to be used in response to inquiries concerning Enterline study and "state of the art" memorandum.

You previously indicated interest in obtaining certain materials relating to the "state of the art" defense in asbestos-related disease litigation. The materials we have were prepared at the expense of the Asbestos Information Association for the benefit of its members and the industry at large.

Since your company is a member of the asbestos industry but not a member of AIA/NA the materials on bronchogenic cancer prepared by Phil Enterline, Ph.D., E.N. Higgins, M.D., and their staffs will be made available to you at a cost of $2,000.00 That amount was determined by AIA's Board of Directors to be a fair contribution to the overall costs incurred. If you wish to obtain a set of the materials, we would also ask that you request it with respect to a particular, pending lawsuit for which you expect the information to be of valuable assistance. We view the materials as work product, to be distributed only in the context of an existing attorney-client privilege. All rights are reserved and reproduction can be made only with the express permission and consent of AIA/NA.

If you wish to acquire a copy of the aforesaid materials, please remit a draft payable to Asbestos Information Association/North America in the amount of $2,000.00. The draft should be sent to me. I shall then see that you receive a duplicate copy of the information, consisting of three volumes of papers

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and representing over a year's work by Dr. Enterline and his colleagues, who acted under our general direction and supervision.

In addition to the above, you may wish to receive a copy of our "State of the Art" draft memorandum, dated June, 1977. It has been distributed to AIA and represents our latest effort at restating legal principles involved in the defense. The memorandum will not be finalized until another, separate study is submitted by Dr. Enterline on the disease asbestosis, and that submission is not expected before March, 1978. The charge for the draft memorandum, as well as the final version, would be duplication costs plus a charge for legal time actually incurred in supplying the memorandum to you. The draft memorandum should also be requested by you for anticipated use in connection with a specific, pending lawsuit. The memorandum would be supplied in the context of the attorney-client privilege that has been established between you and our firm.

Please let us know if you have any further questions. We shall be pleased to meet with you or otherwise discuss the subject of this letter and any specific problems of concern to you.

Very truly yours,

W.B.A., jr.

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