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UNION CARBIDE

INTERNAL CORRESPONDENCE

MINING AND METALS DIVISION • 270 PARK AVENUE, NEW YORK, NEW YORK 10017

To (Name) Mr. J. W. Rawlings
Division Mining and Metals Division
Location 38th Floor

Date June 23, 1972

Originating Dept.

Answering letter date

Copy to Mr. J. L. Myers

Subject AIA Meeting June 22, 1972

PLAINTIFF'S EXHIBIT
Union Carbide 205

A copy of the agenda and handouts at the AIA meeting are attached for your reference. To deal first, however, with the subjects of major interest to ourselves, the provisions of the OSHA regulations of June 7th concerning monitoring and medical examinations were interpreted the same way by all present, that is, these provisions apply wherever asbestos fibers are released in any quantity, in essence, every place where asbestos containing materials are used. No solutions were given for the problem and no suggested approach to customers. It is my understanding, apart from the AIA meeting, that we will probably apply to the Solicitor's Office of OSHA for relief at least from the spraying provision and hopefully for both monitoring and medical provisions.

With regard to publicity, the AIA will respond to adverse publicity in magazines and newspapers but does not currently see any way to obtain favorable, or even balanced, articles in the public press.

I mentioned that we had received word that some OSHA inspectors have told people that they would ultimately have to get rid of asbestos without regard to the regulations. This surprised most of those present and Matt Swetonic indicated that if we would give him specifics, that is, names and places, that action can be taken via the Washington office of OSHA. I would appreciate it if any salesmen receiving this kind of information from customers will attempt to get the name of the inspector and the place and time of the remarks.

The meeting itself was generally informative but nothing really new was forthcoming. It was noted at the beginning that the OSHA rules provide for on-going studies and re-evaluation with a caution that under pressure from the unions as well as from industry the rules could go either way. EPA regulations have been delayed, as

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we knew, more for questions on mercury and berylium than on asbestos but also by a jurisdictional dispute between EPA and the Bureau of Mines.

Mention was made that the Dick Cavett show, facing a possible contract termination at the end of July, was looking for controversial subjects and asked for industry participation along with Selikoff, et.al. At the moment, industry won't play and Secretary Guenther has advised that he would not participate without equal participation by industry and opposition. It is hoped that the subject will be dropped.

A copy of the Arthur D. Little study on economic impact of the regulations will be sent to members soon. The conclusions were basically that textiles are in trouble and that attainment of 2 fibers is excessively expensive.

Along with the enclosed letter from AIA to the Wall Street Journal concerning the article of June 8th, Johns Manville has wired the Journal and asked for a review. The response from the Wall Street Journal management is that they are waiting for a letter from Johns Manville and will probably meet with JM and AIA.

Newsweek proposed an article on asbestos and particularly JM plants. However, after top level contact with Newsweek, JM was assured that there will either be balanced coverage or no article will be forthcoming.

With regard to OSHA standards, AFL/CIO has been exceedingly vocal in their objections. Their criticisms are:

1. Alleged collusion of OSHA and industry.
2. Not enough inspectors.
3. The 4 year delay in the 2 fiber standard.

While the second criticism is valid, as we know, more stringent regulations will obviously not remedy it. Note was made that Al Hutchinson, President of the union most vocal, died recently of cancer with asbestosis. Needless to say, this will be made the subject of as much publicity as possible by the union.

With regard to federal action, there is a possibility that employers with 25 or fewer employees may be exempt from OSHA

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regulations for one year. A bill to this effect has been passed by the House but has not yet been passed by the Senate. Dr. Wright made note of the fact that the workmen's compensation rules in black lung do not require X-Ray confirmation but only 12 years employment. It is quite possible that asbestosis rules may be written the same way. It was noted that Canada can be expected to follow U.S. regulation guidelines sooner or later.

A technical subcommittee for AIA will be set up to aid communication on such things as dust collection. Ed Fenner of JM will chairman this subcommittee. For example, he noted that in their experience, cotton sateen-silicon treated bags have given the best performance.

The possibility of an industry request for a court review of the regulations has been discarded. The attornies feel there is little likelihood of any relief since there are 4 years before the 2 fiber level is applicable. While there is a possibility that the unions might ask for a court review, it is not regarded as likely.

Citations by OSHA for excess airborne concentrations have been confusing. At Bendix, OSHA has backed off from citations of serious violations to citations of minor violations on concentrations of between 5 and 6 fibers and at JM, 5 separate violations of not wearing respirators when needed were lumped into one single serious violation.

Dr. Wright discussed the needs for research with particular regard to:

(a) mesothelioma occurrence in the public and in the industry and whether or not it is related to asbestos dosage or to the individual metabolism;

(b) occurrence of cancer, asbestosis and mesothelioma in manufacturing vs. mining and vs. insulation workers, particularly with respect to:

1. materials concerned, type of fiber, size of fibers, other substances present; and

2. dosage — average concentration, intermittent peaks, and electron microscope size fibers.

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(c) some consideration is given to examination of lung texture to reflect the history of exposure but too little is known;

(d) treatment as an alternative to abandonment.

Dr. Wright will be asked to advise the AIA members more specifically on research program needs. For example, they would like to find a manufacturing plant which has handled crysotile fibers only for a long period of time.

A legal subcommittee to be chairmaned by Paul Weiner of GAF will be formed to aid communication on law suits, insurance settlements, etc. Specific recommendations were made by legal counsel that:

1. OSHA regulations should not be mentioned in industrial labor contracts.

2. Inspection records are subject to subpoena.

3. If statements are taken by a compliance officer of OSHA with regard to a fatality, it is felt that an attorney should be present to assist the employee making the statements.

4. A problem is foreseen in that credentials of a compliance officer appearing at the plant can be checked. However, the officer is entitled to bring with him a third party and there is no way to verify the reliability or background of that third party.

AIA will assist in obtaining answers to any questions of interpretation on the regulations. They will have contact with both Gerard Scannell, Department of Standards and Fred Bischoff, Department of Compliance.

A study has been commissioned for about $6,000 to $8,000 to study the accuracy of the membrane filter method with particular reference to the experience of the microscopist making the count and the level of fiber concentrations.

The AIA would like to receive any data available on the cost of installations and the effect on airborne concentrations in order to convince OSHA of the validity of the economics presented.

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With regard to publicity, the AID will proceed to prepare booklets similar to those published in England and suggests regional seminars for customers. As mentioned earlier, there is no optimism and, in fact, no effort will be made to obtain articles in the public press.

W. N. Johnson

WNJ:mc
Attachments

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ATTENDEES
ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA
MEETING
JUNE 22, 1972

NATIONAL GYPSUM COMPANY

A. H. Fay
Frank Zimmerman
Paul Dumas

AMERICAN ASBESTOS TEXTILE CORP.

Michael Scanlan

ATLAS ASBESTOS COMPANY

George Barge

CEMENT ASBESTOS PRODUCTS COMPANY

S. D. Weaver

CERTAIN-TEED PRODUCTS CORP.

Al Leff

GAF CORPORATION

Tom Dent
Bill Fassuliotis
Paul Weiner

JOHNS-MANVILLE CORP.

F. J. Solon, Jr.
W. F. Goodwin
E. M. Fenner

NORTH AMERICAN ASBESTOS CORP.

C. G. Morgan

JIM WALTER CORP. (PANACON)

Dayton Todd

RAYBESTOS-MANHATTAN

J. H. Marsh
I. H. Weaver

SUPRADUR MANUFACTURING CORP.

Kurt Schwarz

AIA/NA EXECUTIVE SECRETARY

M. M. Swetonic

AIA/NA LEGAL COUNSEL

Bradley Walls

ST. LUKE'S HOSPITAL

G. W. Wright, M.D.

CONGOLEUM INDUSTRIES

John R. Stetson

FLINTKOTE COMPANY

A. R. Hooker

KENTILE FLOORS INC.

C. A. Neumann

NICOLET INDUSTRIES INC.

J. K. Whittaker

H. K. PORTER COMPANY

E. C. Bratt

UNION CARBIDE CORP.
William Johnson A 10100

AGENDA

ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

SPECIAL MEETING

THE BIDDLE ROOM -- THE HARVARD CLUB

NEW YORK CITY

JUNE 22, 1972

| | | |
|---|---|---|
| I. | INTRODUCTORY REMARKS | A. H. FAY |
| II. | AIA/NA ACTIVITIES REPORT | A. H. FAY |
| III. | STATUS REPORTS | |
| | 1. EPA Standards | M. M. SWETONIC |
| | 2. Dick Cavett Show | M. M. SWETONIC |
| | 3. Arthur D. Little Study | M. M. SWETONIC |
| | 4. THE WALL STREET JOURNAL | F. J. SOLON, M. M. SWETONIC |
| | 5. NEWSWEEK | F. J. SOLON, JR. |
| | 6. New AIA/NA Office | M. M. SWETONIC |
| IV. | AIA/NA LEGAL SUB-COMMITTEE | BRADLEY WALLS PAUL WEINER |
| V. | REACTION TO OSHA STANDARDS | A. H. FAY |
| | 1. AFL-CIO Reaction | |
| | a. Publicity | M. M. SWETONIC |
| | b. Research | J. H. MARSH |
| | c. Political Action | M. M. SWETONIC |
| | d. Workmen's Compensation | M. M. SWETONIC |
| | 2. Canadian Government Reaction | GEORGE BARGE |

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| 3. | Industry Reaction & Remaining Major Problem Areas | A. H. FAY |
| | a. Two Fiber Standard | |
| | b. Membrane Filter Method | |
| | c. Other | |
| VI. | FUTURE INDUSTRY ACTION | A. H. FAY |
| 1. | Legal Action | BRADLEY WALLS |
| 2. | Clarification, Interpretation & Implementation of Standards | M. M. SWETONIC |
| 3. | Research | M. M. SWETONIC |
| | a. Medical | |
| | b. Technical | |
| | c. Economic | |
| 4. | Compliance Assistance Programs | A. H. FAY & M. M. SWETONIC |
| 5. | Public Relations & Publicity | M. M. SWETONIC |

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