PLAINTIFF'S EXHIBIT

UC-4290

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UNION CARBIDE

INTERNAL CORRESPONDENCE

METALS DIVISION • P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. J. L. Myers
Division UCC - Metals
Location Niagara Falls, New York

Date June 18, 1979
Originating Dept. "Calidria" Asbestos
Answering letter date

Copy to Messrs.
T. Finnigan
T. W. Carmody
J. W. Whittlesey
R. W. Rebholz
R. F. X. Fusaro
File

Subject Asbestos Forum Activities

As you are aware, a meeting of the Asbestos Forum was held on May 22, 1979. Union Carbide was invited but did not attend. We did not know at the time that the meeting was intended to broaden the membership in the Forum and that a substantial number of the larger companies in the asbestos industry that had not been previously involved were invited.

Basically, J/M has decided that the Fenwick Bill is not going anywhere and has shifted emphasis to an as yet undefined approach to improve state workmen's compensation plans specifically as they cover asbestos-related diseases. In addition, a broad scale PR and lobbying campaign in support of the "Bill" with expenditures of around $300,000 spread over the next year and a half is planned. Two agency proposals for such a campaign are attached.

The scope and intent of the "Forum" is well and succinctly described in pages 1 through 4 of the Manning, Selvage, and Lee proposal. Basically, J/M and the other companies heavily involved in third party liability suits are working to shift as much of the burden as possible to the government and to the other members of industry who have not yet been involved in the mass of law suits. Although it seems clear that the present system to compensate injured workers can be improved, I have some serious misgivings about the J/M solution and particularly about their methods. It has also been learned that the May 22 meeting was run in a very emotional and high-handed manner. It is suggested that we watch this activity closely to avoid unpleasant surprises, but do not become directly involved with the Forum in any way.

The emergence of the "Forum" raises an interesting question as to its relationship with the AIA/NA. The AIA/NA is not a lobbying organization. Its main activities are information collection and dissemination and interactions with the regulatory agencies. In the past eight years it has

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grown to over 50 members. Although J/M pays the largest dues (guesstimated at around 30% of the total), several attempts by J/M to relegate it to a rubber-stamp position with J/M acting as the industry spokesman have been rejected.

The AIA/NA has not taken a position on the Fenwick Bill and it is my guess that if it were put to a vote, a substantial majority of the members would be in opposition. The Forum appears to be a way to circumvent this and at the same time push the lobbying function which is not within the AIA/NA's charter.

I will keep you informed of any developments. Tom Finnigan is also following carefully on this.

H. B. Rhodes

Harrison B. Rhodes

/rmm
Attachments

A 10799

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UNION CARBIDE

Calidria ASBESTOS

UNION CARBIDE CORPORATION • METALS DIVISION • P. O. BOX 579 • NIAGARA FALLS, N.Y. 14302 • TEL: 716-278-3376

November 22, 1977

Mr. Lewis B. Weisfeld
Cincinnati Milacron
4701 Marburg Avenue
Cincinnati, OH 45209

Dear Mr. Weisfeld:

Five (5) copies of the complete text of the paper I presented at the recent Denver meeting are enclosed. We would like to request that it be considered for publication in one of the Society of Plastics Engineers journals.

It was a pleasure to appear on your program and I enjoyed the meeting very much.

Very truly yours,

Harrison B. Rhodes

Harrison B. Rhodes
Manager - Technology

HBR/rmm
Encs.

BCC: Messrs. J. F. Collins
T. W. Carmody
R. F. X. Fusaro
J. L. Myers
W. C. Thurber

This is the final edited version. The talk presented was abstracted from this.

HBR

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J-12

Metals Division
Union Carbide Corporation
Niagara Falls, New York 14302
July 5, 1978

M E M O R A N D U M

TO: Mr. J. L. Myers

CC: Messrs. G. R. Adams
R. E. Byrne
T. W. Carmody
R. F. X. Fusaro
E. W. Shortridge
W. C. Thurber

FROM: H. B. Rhodes

SUBJECT: N.Y. Academy of Sciences - Science Week Meeting, June 21-30, 1978

The writer attended the "Health Hazards of Asbestos Exposure" portion of the above-noted meeting on June 24, 25, and 27. The gathering also provided the opportunity for a strategy meeting with visiting asbestos industry managers and medical authorities on June 23. The AIA/NA Executive Committee and Board of Directors also met on June 26 and 28 respectively. In effect there was an informal international asbestos industry conference superimposed on the NYAS meeting.

It was clear from the start that the NYAS had structured the meeting to serve as a platform to expound the Selikoff and activist views with particular emphasis on press coverage. Papers by prominent industry experts such as Dr. Hans Weill (the AIA/NA medical adviser) and Dr. Hilton Lewinson (Medical Director, Raybestos-Manhattan) which presented new data were refused places on the program while Seilkoff's associates gave lengthy reworks of old papers. There was only enough "outside" participation to give some semblance of balance.

It is not useful here to review the meetings in detail. As expected, it was largely a reiteration of old material. There were sections of dignified scientific discussion interspersed with intervals of heated tirades damning industry. The industry managed to cover most of the frequently-scheduled press conferences with designated, world-recognized authorities. In a number of cases this was successful in blunting the adverse publicity. There were actually several instances of positive press.

Some key points of NYAS meeting classified as positive, moderately negative, or very negative in their potential impact on industry are listed as follows:

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POSITIVE

1. The general acceptance of the existence of a dose-response relationship, even for lung cancer and mesothelioma.

2. Published statement by Dr. Selikoff that the general public is not at risk from asbestos exposure. (See attachment)

3. Paper by Hammond and Selikoff that persons living in the immediate neighborhood of the famous (or infamous) Patterson insulation plant were not at excess risk.

MODERATELY NEGATIVE

1. Two British morbidity and mortality extrapolation studies which did not support the two fiber level as safe.

2. A Hammond-Selikoff paper that, preliminarily, finds an excess of lung cancer in non-smoking asbestos workers.

3. The finding of a grossly excessive incidence of non-occupational mesothelioma in two isolated villages in Turkey. The excess is attributed to the presence of naturally-occuring needle-like zeolite (erionite) and/or fibrous tremolite. This could impact on the UCC molecular sieve operations.

VERY NEGATIVE

1. Although there is substantial disagreement on the size of the problem, there is considerable evidence that there will be a notable cancer incidence stemming from wartime shipyard asbestos exposure. This is expected to appear over the next few years.

2. Data on home and school exposure from sprayed friable materials and even from bound materials were presented in a very inflamatory manner.

3. A reiteration of the environmental air and water information, i.e, Reserve Mining, Maryland quarrying, Puerto Rico A/C sheet, etc. where only very short fibers in the nanograms per cubic meter concentration range can be found. Although there is no evidence that this type of exposure is harmful, the following theme, as stated by Dr. Nicholson, is continually expounded:

   a. One cannot really say if there are adverse health effects from this kind of exposure, however:

      It is not known if a safe threshold level exists for asbestos.

      If no asbestos is added to the air, we have added no risk.

      People should not be exposed, particularly unknowingly, to materials which may put them at risk.

4. Substitutes that can greatly reduce total asbestos use are available today and their use should be mandated immediately.

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5. Extensive, emotional rhetoric from successful plaintiff's counsel, labor, and activists on the alleged long-time, knowing, criminal conspiracy by management, company scientists, company doctors, and in some cases governmental officials to suppress and falsify information on asbestos-related diseases and to keep such information from the exposed workers. (The bitterness and emotion in these attacks was a source of amazement to our foreign visitors.)

In the peripheral industry meetings it was learned that the British expect a revised standard in the next few months. The industry position is that the data still solidly support a 2 fiber standard. It is expected, however, that a political decision at 1 fiber/cc level will be made and there is some possibility that even a lower level could be selected.

The problem with the largest potential impact also occurred incidentally to the Academy meeting. The text of three radio spot announcements to be used in the HEW public educational campaign became available. These implicate not only wartime shipyard exposures but also the construction and brake-repair industries. They are written in a highly-emotional scare manner which in effect says that if you have ever been exposed to asbestos, see your doctor immediately even if you have no medical problems. There will be similar TV spots plus written notices in all social security checks.

Dr. Kotin of J/M, with industry support, met with HEW in a last ditch effort to moderate the presentation to provide a more objective picture. Changes were refused on the basis that the tapes were already made and in distribution. Late July airing is scheduled.

The following effects of this type of "scare" campaign can be seen:

1. Excessive and unwarranted fears among our own employees.

2. Fears among the workers in the product manufacturing and use industries.

3. A flood of product liability suits. Even if unjustified, such suits impact on the cost and availability of insurance coverage.

4. Further arbitrary defections from asbestos by users.

5. Pressure for OSHA to act precipitously and more stringently on the upcoming asbestos regulations. The same applies to other regulatory agencies.

It is impossible to predict the seriousness of these effects on the general public. There are still a lot of cigarettes smoked in spite of massive publicity. My own opinion is that it will be substantial but not fatal. It is suggested that we must do something to prepare our own employees for the publicity. Our field salesmen should also be armed with a simple, direct position statement, preferably in writing, which they can use in response to inquiries. The possibility of forewarning our customers should be examined. Beyond this, it would appear that we can only sit tight and try to weather the storm.

H. B. Rhodes

Harrison B. Rhodes

HBR/rmm
Attachment

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