

## NOTICE REGARDING ESTABLISHING NARCO EXPOSURE UNDER THE TDP

### Introduction

The Trustees of the NARCO Asbestos Trust have adopted the following guidelines and procedures for establishing NARCO exposure under the TDP. Among other things, the guidelines provide for presumptively establishing NARCO exposure at sites with NARCO products by claimants who work in designated occupations and designated industries. With this notice, the NARCO Asbestos Trust is publishing the Presumptive NARCO chart dated February 25, 2014. The NARCO Asbestos Trust may, from time to time, supplement the chart of designated occupations.

### Guidelines and Procedures

Under TDP Section 4.7(b)(1), a claimant must demonstrate that a specific asbestos-containing product manufactured or distributed by NARCO was present at a worksite and that the claimant worked on a regular basis with the NARCO asbestos-containing product or worked on a regular basis in close proximity to workers engaged in the TDP specified activities. To assist the claimant in meeting the provisions of Section 4.7(b)(1), the NARCO Asbestos Trust has established the following guidelines and procedures.

#### A. Presence of NARCO Asbestos-Containing Product at a Site

1. **Worksite List.** If the claimant submits competent evidence that the claimant worked at a site on the Worksite List during the identified period of time, the claimant will have established the presence of a NARCO asbestos-containing product at the worksite. TDP Section 4.7(b)(1).
2. **Non-Worksite List.** If the claimant submits evidence that a NARCO asbestos-containing product was present at a worksite that is not on the Worksite List, CRMC will conduct an initial review of the evidence and may, if appropriate, issue a deficiency notice with an explanation of the deficiency or refer the claim file to the Trustees to determine the credibility of the evidence and decide whether the claimant has met the product requirement. If the Trustees determine that the product requirement has been met, CRMC will proceed under B. below. If the Trustees determine that the product requirement has not been met, CRMC will issue a deficiency notice to the claimant.

#### B. Exposure to the NARCO Asbestos-Containing Product

1. TDP Section 4.7(b)(3)(A) provides that the Trust "shall consider that there is a limited universe of occupations in a similarly limited range of industries in which claimants are likely to have been directly or indirectly exposed to NARCO or its predecessors' asbestos containing refractory products." The NARCO Asbestos

Trust has identified occupations linked to identified industries that presumably involve direct or indirect exposure to refractory products at a worksite on the Worksite List. The list of identified occupations and industries is posted on the Trust's website. If the claimant submits evidence that the claimant worked in one of these occupations and industries during the identified period of time at a worksite on the Worksite List, the claimant will have established that the claimant worked on a regular basis with the NARCO asbestos-containing product or worked on a regular basis in close proximity to workers engaged in the TDP specified activities.

2. If the claimant did not work in one of the designated occupations and industries at a worksite on the Worksite List, the claimant must provide additional exposure evidence pursuant to the TDP. The claimant shall provide competent evidence that he or she worked on a regular basis with the NARCO asbestos containing product or worked in close proximity to workers that (a) handled raw asbestos fibers on a regular basis; (b) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to asbestos fibers; or (c) installed, altered, repaired, removed or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers. Please provide as much detail as possible about the work performed by the claimant at the worksite. Pursuant to TDP Section 4.7(b)(3), competent evidence may include an affidavit of the claimant, an affidavit of one or more Co-workers or the affidavit of a family member in the case of a deceased claimant, depositions, sworn interrogatory answers, invoices, construction or similar records, or other competent evidence. The NARCO Asbestos Trust will review the exposure evidence to determine the credibility and competence of the evidence and may require submission of other or additional evidence of exposure when it deems such to be necessary.
3. If the claimant submits evidence that the claimant worked at a worksite not on the Worksite List, the Trustees will perform the review provided in A.2. above. If the Trustees conclude that the claimant has met the product requirement, then CRMC will proceed under B.1. or B.2., depending on the claimant's occupation during the identified period of time.