

### **PROCEDURE FOR ADDING A SITE TO THE APPROVED SITE LIST**

TDP section 7.7(b)(3) requires that a claimant demonstrate “meaningful and credible” exposure, which occurred prior to 1982, to asbestos containing products installed, sold, supplied, distributed, marketed or removed by C.E. Thurston & Sons, Inc. (“Thurston Asbestos”).

The Trust is developing a list of approved sites where it has been established that Thurston Asbestos products were used (the “Approved Site List”). This list will be available on the CRMC web site. Claimants or law firms should submit additional sites to CRMC, the Trust’s claims processor using the Site Verification Form available at the CRMC website. This information will be reviewed by the Trust. If the Trust cannot approve the site from the available records, CRMC will notify the claimant or law firm that additional evidence will be required. A letter must be submitted to the Trust, c/o CRMC, and must summarize the included evidence offered in support of adding that site to the Approved Site List. The evidence submitted must include information as to:

- The specific Thurston Asbestos product,
- The specific site, including the company, site name, and address (including the city and state), and
- The time period during which exposure to the asbestos product occurred.

Meaningful and credible evidence that Thurston Asbestos was used at a site must be furnished in order for a site to be added to the Site List. There are numerous types of evidence that may be submitted in support of adding a site to the Approved Site List<sup>1</sup>. Each type of evidence will be judged on the particular set of facts and circumstances and will be given the appropriate weight. Evidence of Thurston Asbestos at a site may be submitted by one or more of the following:

- Invoices
- Authenticated company documents
- Deposition/Trial Testimony
- Interrogatory responses
- Responses to Requests for Admission
- Affidavit or Sworn Statement
- Other meaningful evidence

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<sup>1</sup> *If exposure occurred onboard a ship that may have been constructed or overhauled at a site where Thurston provided asbestos products, the ship may be submitted as a site. Most acceptable ships will have been constructed at certain Virginia shipyards. Ship exposure will be evaluated based on the ship identification, and need not match on state and city since ships are often relocated from their place of construction. Records of when and where the ship was constructed or overhauled will be required.*

As the reliability of evidence will vary with each type, in certain situations one type of evidence may suffice to add a site to the Approved Site List, while in other situations, more than one type of evidence will need to be submitted. For instance, a sole affidavit of a long-term foreman at a site, or a purchasing agent, may be accepted as the only evidence necessary, while an affidavit of another less knowledgeable worker may not.

After submission of the evidence, the Trust will notify the claimant or law firm if there are any questions. If the Trust determines that the evidence does not rise to the level of allowing the site to be added to the Approved Site List, the Trust will notify the claimant or law firm that the site cannot be accepted unless additional information is provided. If the claimant or law firm and the Trust are unable to reach a resolution regarding a particular site, the Trust will work with that claimant or law firm and TAC members to attempt to resolve the issue.

In cases where it appears that the Thurston Asbestos at a site may have been present in very limited quantities or was likely to have resulted in exposure to few of the people at the site, such site may be approved for particular claims without being added to the Approved Site List. In such cases, additional exposure evidence will need to be provided, describing how this individual was exposed to the product on this site, including the individual's occupation, job functions and dates of exposure.

- Please complete the C. E. Thurston & Sons Limited Exposure Site Form and submit it along with your additional exposure evidence.
- The Trust prefers to receive such documents in a Portable Document Format (PDF) electronic file.
- Please also include a listing of the documents submitted including the document name and / or filename, a description of the key information contained therein and the page numbers in which it is located.