

Revised Restated Exposure Policies

Webinar Session

December 2013



Introduction

September 5, 2012 Trustees adopted the Restated Exposure Policies (“REP”):

- Carries forward, with modest refinement, much of the former Trust policies and procedures
- Includes newly adopted changes in certain exposure policies
- Changes are consistent with the requirements of the current CRP and require no amendments

November 20, 2013 Trustees revised the REP (“Revised REP”):

- Considered input from Trust Advisory Committee (“TAC”), Legal Representative (“LR”) and law firms representing claimants
- Revised to clarify the Trustees’ intent and to address identified points of concern

REP Components Not Revised

Focus on Installation– NOT Revised

Emphasis of REP:

“THINK INSTALLATION” has not changed.

NGC ACM Product List – NOT Revised

The NGC ACM Product List released November 2012 has not changed. Products are listed as Friable and Non-Friable.

For Friable: Exposure is assumed from Installation though 1981, unless earlier abated or removed.

For Non-Friable: Exposure is assumed only during the Installation period or removal, rip-out or other disturbance.

Download the Product List from the Documents page at www.ngcbitrust.org

NGC ACM Public Site List – NOT Revised

The NGC ACM Public Site List released November 2012 has not changed.

- Includes NGC Property Damage Sites
- Includes NG Manufacturing Facility Sites

Download the Public Site List from the Documents page at www.ngcbitrust.org

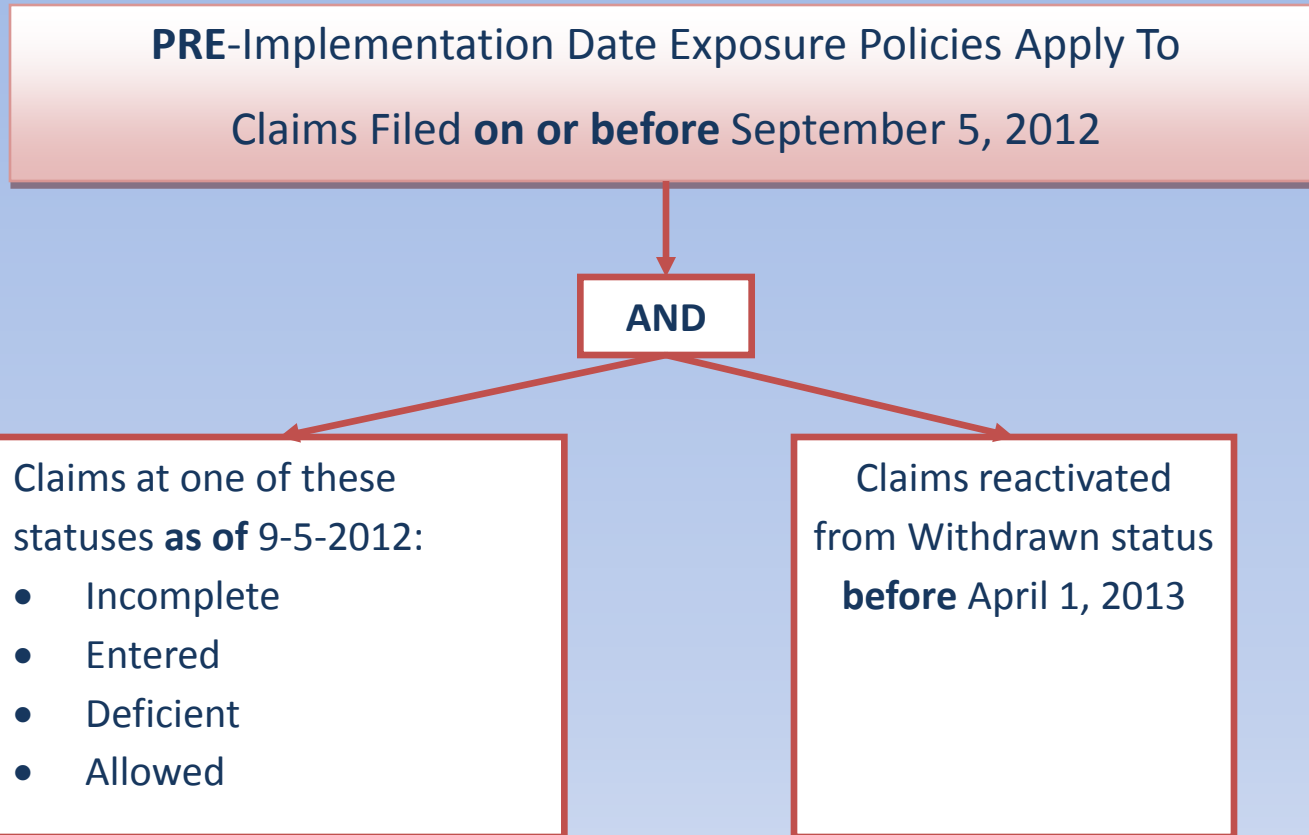
CEL Approval Process – NOT Revised

A **Common Exposure Location (“CEL”)**, a jobsite with documented existence of NGC ACM submitted by a law firm and approved by the Trust, must be qualified under the Revised REP.

- Any previously approved CELs continue to be applicable for Pre-Implementation Date claims.
- Once approved, a CEL can support NGC ACM in other claims filed by that law firm.
- Acceptance of exposure evidence is based on the Installation of NGC ACM at the jobsite and location within the jobsite.
- *For more detailed requirements, see the Revised REP and Exhibit 1.*

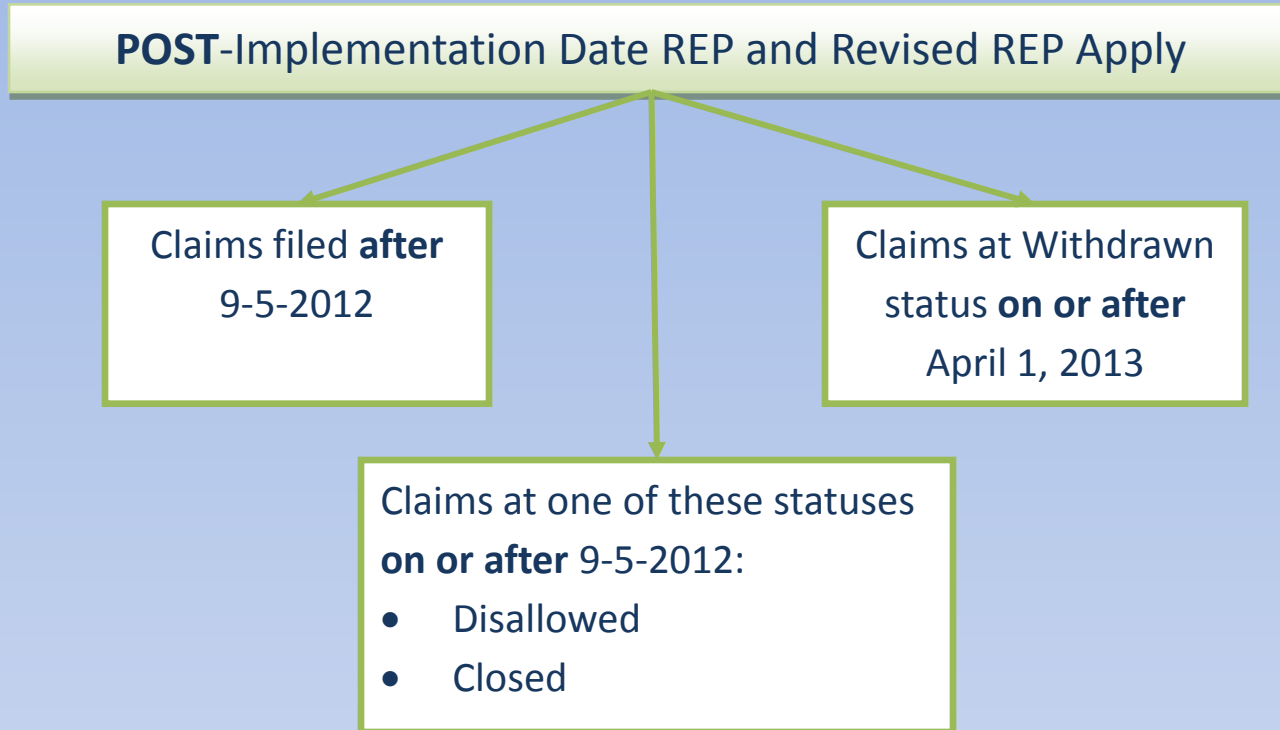
Affected Claims

What Claims are Not Affected by the REP and Revised REP?



September 5, 2012 at 5:00 p.m. CDT was the “Implementation Date”

What Claims are Affected by the REP and the Revised REP?



Revised Tolling Period: September 5, 2012 through March 31, 2014

Focus of Revised REP

What are the Revised REP?

- ❑ **Who – Exposed Person** (by testifying as the Injured Party or must state the basis for knowledge of how the Injured Party is able to affirm the required exposure information)
- ❑ **What – NGC Product Identification** (by providing the NGC ACM by the name of the product or the type of the product)
- ❑ **When – NGC Product Installation and Exposure Dates** (by providing the dates of Installation and duration of Installation of the NGC ACM to which the Injured Party was exposed; providing the dates of when the Injured Party was exposed to the NGC ACM during Installation, removal, rip-out or other disturbance)
- ❑ **Where – NGC Product Installation and Exposure Location** (by providing the jobsite, building name or address where the NGC ACM was installed and exposure occurred; also **if necessary**, the area within the building where the exposure to NGC ACM occurred)
- ❑ **How – NGC Product Exposure Description** (by describing proximity to the installed NGC ACM and in what occupation the Injured Party was engaged during the exposure period)

When Exposed – Why is this important?

The Injured Party was exposed to NGC ACM only at certain times, depending on the friability of the product.

Friable NGC ACM?

Exposed any time from Installation through December 31, 1981

Non-Friable NGC ACM?

Exposed at the time during which the product was in its friable state emitting asbestos fibers into the air

During the period of Installation, removal, rip-out, other disturbance

NGC ACM Installation is the basis for exposure in a NGCBIT Claim – It must be supported in each claim.

Why is Installation Important?

Establishing Installation of the NGC ACM is important because it:

- ❑ Supports the product or product type of the claimed NGC ACM
- ❑ Supports the Installation of the NGC ACM during the manufacture dates of the named NGC Product
- ❑ Supports where the NGC ACM was installed, which affects the occupations that could have been exposed
- ❑ Supports whether the NGC ACM was friable or non-friable, which affects when workers could have been exposed
- ❑ Supports the duration of the Installation period, which affects the period of exposure to NGC ACM
 - Duration: number of days, weeks or months during which the NGC ACM was actually being Installed, removed, ripped-out or otherwise disturbed at the jobsite

What is Required to Support Installation?

Installation must be established by one of the following:

- An affidavit of the Injured Party, a co-worker or other third party who installed or has first party knowledge of the Installation of NGC ACM (“Installer Affidavit”),
- An approved Common Exposure Location (“CEL”), or
- An approved site from the NGC Public Site List.

What are the Requirements for an Installer Affidavit?

Installer Affidavit Requirements:

Exhibit 1. A

Affidavit Establishing Installation of NGC ACM at a Specific Jobsite

2. Affirms:

- a. *Exposure to any asbestos as it applies to Non-Meso claims*
- b. Jobsite with city/state, industry, name of building(s) and, if applicable, area in building where NGC ACM was installed
- c. Years and duration of Installation
- d. Occupation while installing NGC ACM
- e. Installed NGC ACM by product name or product type
- f. How the Affiant knew the installed ACM was NGC

What are the Requirements for an Installer Affidavit?

Exemplar Forms of Affidavit

Injured Party's Time of Exposure	Applicable Form Affidavit
Installer of NGC ACM	
Non-Meso	Installer Affidavit - Non-Meso Claims
Meso	Installer Affidavit - Meso Claims

Download this form from the Documents page at www.ngcbitrust.org

What is the Purpose of the Exemplar Forms of Affidavit?

- Guidance for counsel in satisfying the requirements of the Revised REP
- Use of Exemplar Forms of Affidavit not required

Injured Party's Time of Exposure	Applicable Form Affidavit
Installer of NGC ACM	
Non-Meso	Installer Affidavit - Non-Meso Claims
Meso	Installer Affidavit - Meso Claims
Exposed During Installation of NGC ACM	
Non-Meso	Exposure During Installation - Non-Meso Claims
Meso	Exposure During Installation - Meso Claims
Exposed Post-Installation of NGC ACM	
<u>Friable NGC ACM</u>	
Non-Meso	Exposure Post Installation - Non-Meso Claims - Friable NGC ACM
Meso	Exposure Post Installation - Meso Claims - Friable NGC ACM
Exposed Post-Installation of NGC ACM	
<u>Non-Friable NGC ACM</u>	
Non-Meso	Exposure Post Installation - Non-Meso Claims – Non-Friable NGC ACM
Meso	Exposure Post Installation - Meso Claims – Non-Friable NGC ACM

8 Exemplar Forms of Affidavit

What Else is Required to Support Exposure?

The Injured Party's Time of Exposure determines the minimum exposure requirements.

How to determine the Time of Exposure – Ask:

Did the Injured Party personally install the NGC ACM?

Yes

Exposure Scenario -
Installer

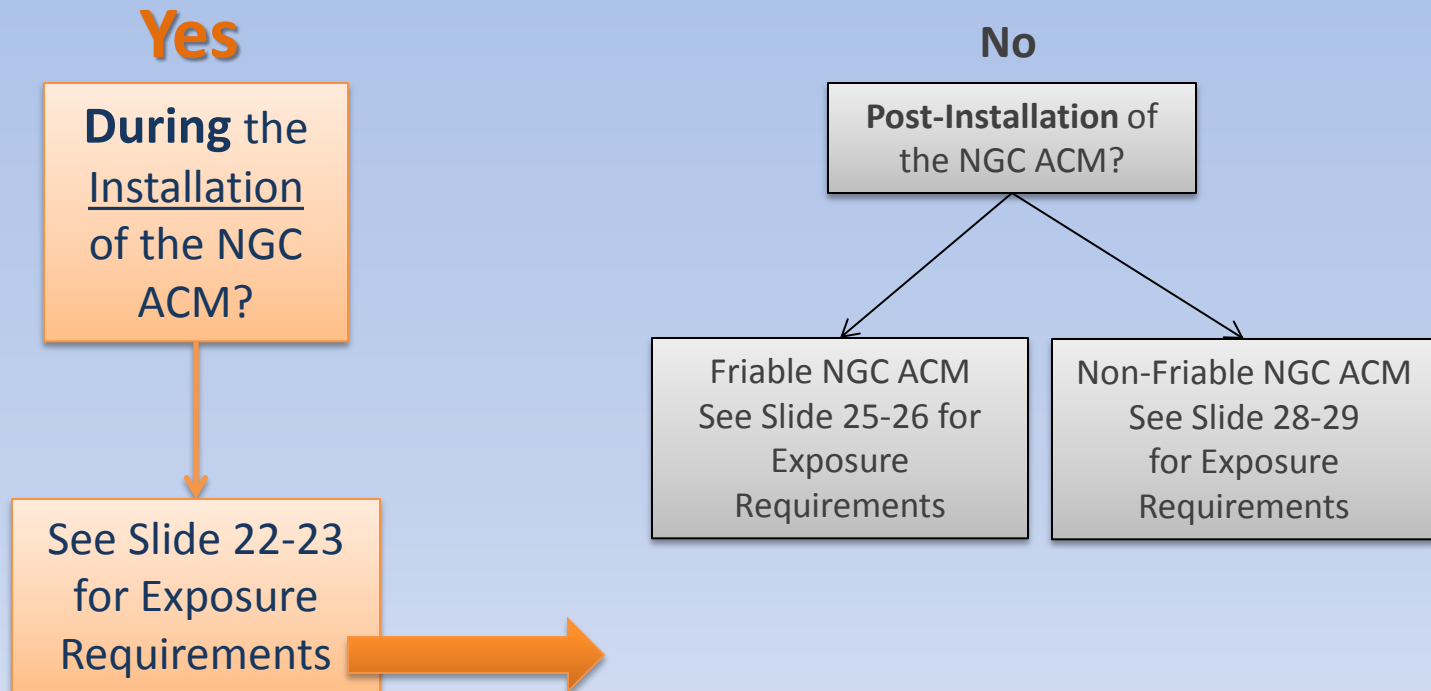
Support Required:
Exhibit 1.A
See slides 17-18 for
specific requirements

No


What Else is Required to Support Exposure?

Next Question:

If the Injured Party did not personally install the NGC ACM, when was the Injured Party exposed to the NGC ACM?



What are the Requirements for Exposure During Installation?

During Installation Affidavit Requirements:

Exhibit 1. B

Affidavit Establishing Exposure **During Installation** of NGC ACM

2. Affirms:

- a. *Exposure to any asbestos as it applies to Non-Meso claims*
- b. Jobsite with city/state, industry, name of building(s) and, if applicable, area in building where the exposure occurred
- c. Years and duration of exposure during Installation of NGC ACM
- d. Occupation while exposed during Installation of the NGC ACM
- e. If known, the installed NGC ACM by product name or product type
- f. How the Injured Party came to believe the installed ACM was NG
- g. How the Injured Party was exposed during Installation of the NGC ACM

PLUS

NGC ACM Installation must also be supported – See Slide 16 for options

What are the Requirements for Exposure During Installation?

Exemplar Forms of Affidavit

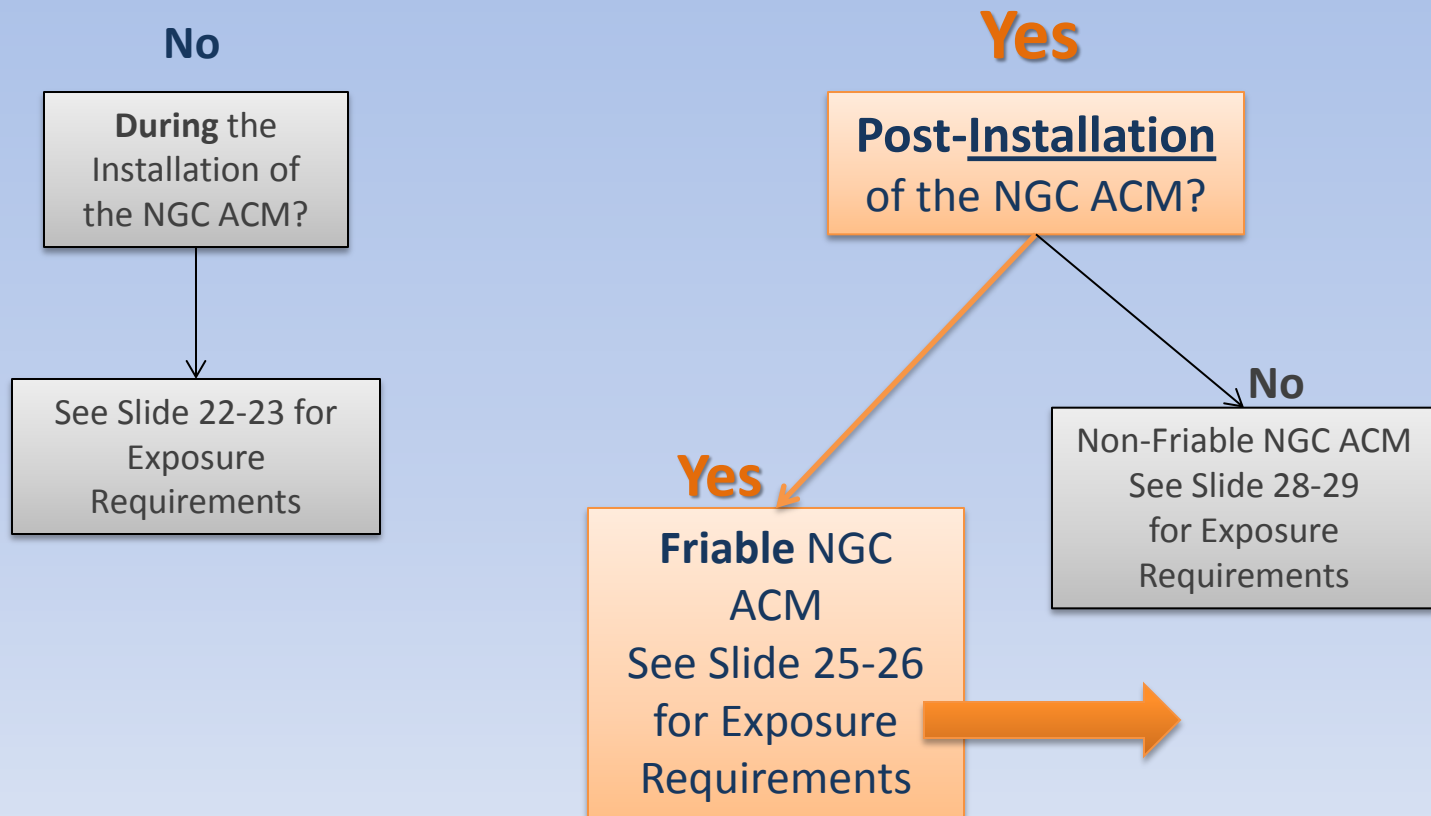
Injured Party's Time of Exposure	Applicable Form Affidavit
Exposed During Installation of NGC ACM	
Non-Meso	Exposure During Installation - Non-Meso Claims
Meso	Exposure During Installation - Meso Claims

Download this form from the Documents page at www.ngcbitrust.org

What Else is Required to Support Exposure?

Next Question:

If the Injured Party did not personally install the NGC ACM, when was the Injured Party exposed to the NGC ACM?



What are the Requirements for Exposure Post-Installation Friable NGC ACM?

Post-Installation FRIABLE NGC ACM Affidavit Requirements:

Exhibit 1. D

Affidavit Establishing Exposure **Post-Installation** of Friable NGC ACM

2. Affirms:

- a. *Exposure to any asbestos as it applies to Non-Meso claims*
- b. Jobsite with city/state, industry, name of building(s) and, if applicable, area in building where the exposure occurred
- c. Years and duration of exposure to the previously installed Friable NGC ACM
- d. Occupation while exposed
- e. If known, the NGC ACM by product name or product type that was previously installed
- f. How the Injured Party came to believe the previously installed ACM was NGC
- g. How the Injured Party was exposed to the previously installed NGC ACM

PLUS

NGC ACM Installation must also be supported – See Slide 16 for options

What are the Requirements for Exposure Post-Installation Friable NGC ACM?

Exemplar Forms of Affidavit

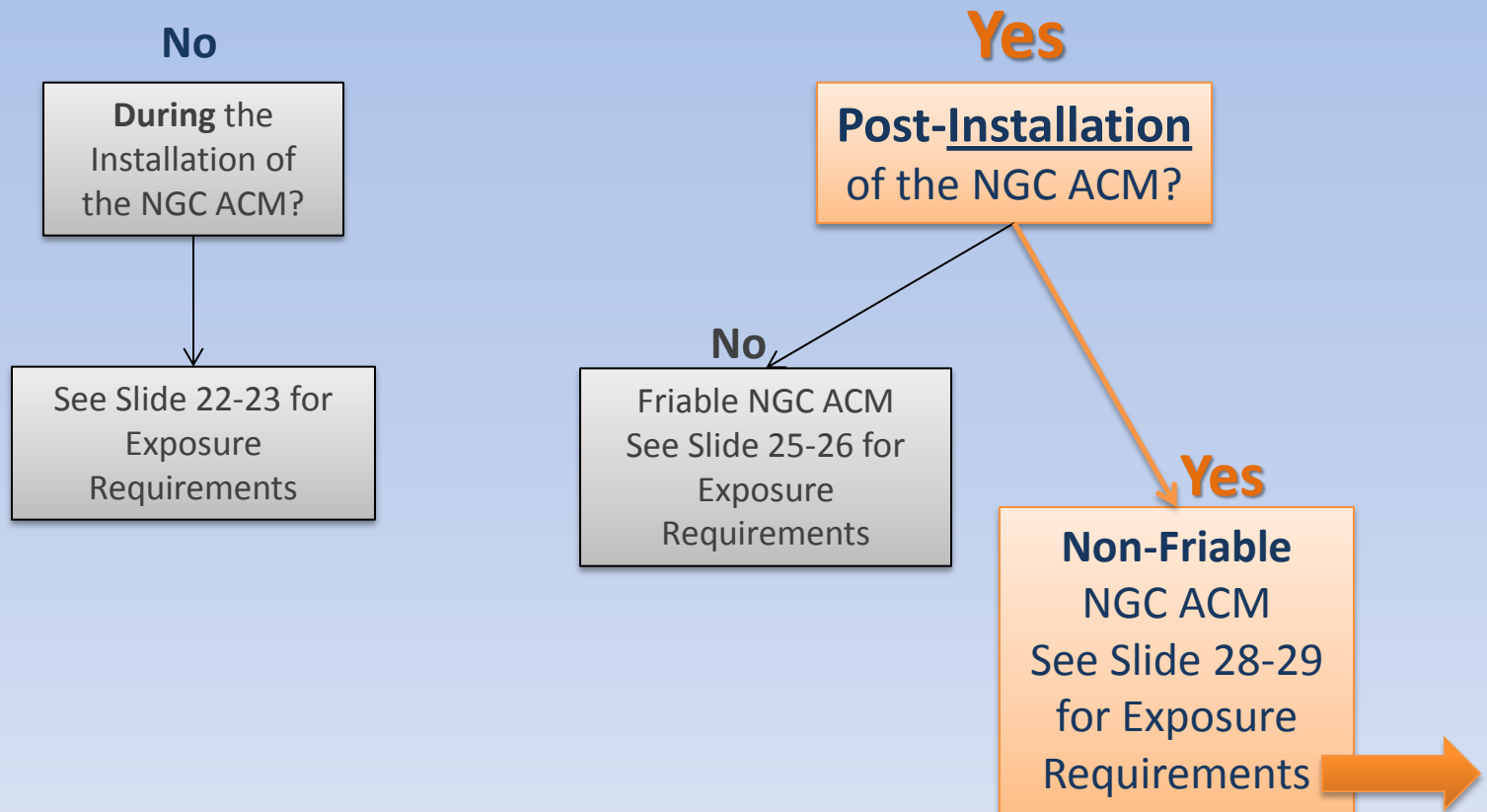
Injured Party's Time of Exposure	Applicable Form Affidavit
Exposed Post-Installation of NGC ACM	
<u>Friable NGC ACM</u>	
Non-Meso	Exposure Post Installation - Non-Meso Claims - Friable NGC ACM
Meso	Exposure Post Installation - Meso Claims - Friable NGC ACM

Download this form from the Documents page at www.ngcbitrust.org

What Else is Required to Support Exposure?

Next Question:

If the Injured Party did not personally install the NGC ACM, when was the Injured Party exposed to the NGC ACM?



What are the Requirements for Exposure Post-Installation Non-Friable NGC ACM?

Post-Installation NON-FRIABLE NGC ACM Affidavit Requirements:

Exhibit 1. C

Affidavit Establishing Exposure **Post-Installation** of Non-Friable NGC ACM

2. Affirms:

- a. *Exposure to any asbestos as it applies to Non-Meso claims*
- b. Jobsite with city/state, industry, name of building(s) and, if applicable, area in building where the exposure occurred
- c. Years and duration of exposure through removal, rip-out or other disturbance
- d. Occupation while exposed
- e. If known, the NGC ACM by product name or product type that was removed, ripped-out or otherwise disturbed
- f. How the Injured Party came to believe the previously installed ACM was NGC
- g. How the Injured Party was exposed to the previously installed NGC ACM

PLUS

NGC ACM Installation must also be supported – See Slide 16 for options

What are the Requirements for Exposure Post-Installation Non-Friable NGC ACM?

Exemplar Forms of Affidavit

Injured Party's Type of Exposure	Applicable Form Affidavit
Exposed Post-Installation of NGC ACM	
<u>Non-Friable NGC ACM</u>	
Non-Meso	Exposure Post Installation - Non-Meso Claims – Non-Friable NGC ACM
Meso	Exposure Post Installation - Meso Claims – Non-Friable NGC ACM

Download this form from the Documents page at www.ngcbitrust.org

What is the Exposure Presumption?

Available for the claim of an Injured Party who:

- Is deceased or incompetent and
- Was exposed to asbestos or asbestos-containing products while working in one of the Presumptive Occupations below for at least five (5) years on a regular basis.
 - Acoustics Worker (NGC Code 1)
 - Drywaller/Sheetrocker (NGC Code 23)
 - Lather (NGC Code 42)
 - Plasterer (NGC Code 61)
- ✓ The presumption is that during the qualifying employment period, the Injured Party was regularly exposed to NGC ACM.
- ✓ Time of NGC ACM exposure will be calculated as 100% of the exposure time allowed while the Injured Party was employed in any of the Presumptive Occupations.

What is Required to Support the Exposure Presumption?

The Claimant Representative, through an Affidavit and Supporting Documentation, must provide evidence of:

- Minimum of five years of employment in one of the Presumptive Occupations prior to 1982;
- The state where the primary exposure occurred;
- Employer(s) while employed in one of the Presumptive Occupations, supported by one or more of the following:
 - Verified work history,
 - Verified answers to interrogatories,
 - Deposition or trial testimony,
 - Annotated Social Security records, or
 - Union records; and
- Employment dates prior to 1982 in the Presumptive Occupation.

Exposure Testimony

What Exposure Testimony is Required?

Exposure testimony **must** include:

- An affidavit of the claimant, a co-worker or the claimant representative.

The affidavit should be accompanied by one or more of the following documents to complement the affidavit:

- Verified work history,
- Verified answers to interrogatories,
- Deposition or trial testimony,
- Annotated Social Security records, or
- Union records

Claim Filing – Claim Submission Media

Claims Submission Media

Paper Claim Form (NG-2XXXXXX ID series claims)

- Released Revised Claim Form November 20, 2013
- Currently available online

Electronic (NG-3XXXXXX ID series claims)

- Revised Data Import Spreadsheets to be released the week of December 16, 2013

Website (NG-4XXXXXX ID series claims)

- Revised online claims data entry and claims processing screens to be released the week of December 16, 2013

What fields were added/changed on the claim form?

Part 5 Exposure to Asbestos fields related to Revised REP:

- Type of Exposure (*Exposure Presumption option added*)
- NGC Asbestos Product Code(s)
- Product Installation Dates** (*new field*)
- Jobsite with City/State
- Building Name at Jobsite
- Area in building where exposure occurred
- Employer
- Industry
- Occupation
- Dates of Injured party's Exposure to NGC ACM
- Time of Exposure
- Description of how the Injured Party identified and was exposed to the NGC asbestos product(s)

*All claim filing media will be revised to reflect these **new** and **revised** fields. NOTE: The fields have also been re-ordered.*

These changes have been made to Part 6 EOEP and Addendum A.

Paper Claim Form – Part 5 Exposure to Asbestos

Exposure to NGC Asbestos Product(s):

The Injured Party must have at least 6 months direct exposure on a regular basis to **NGC** asbestos product(s). For Mesothelioma claims, the Injured Party must have exposure to **NGC** asbestos product(s) on a regular basis which may be less than 6 months.

5.2 The Injured Party's most significant direct exposure to **NGC** asbestos product(s) was in the state of _____.

5.3 Type of Exposure:

- Occupational: The Injured Party's direct exposure to **NGC** asbestos product(s) was through job-related activities.
- Exposure Presumption: The Injured Party's direct exposure to **NGC** asbestos product(s) is presumed while working in a Presumptive Occupation¹ for at least 5 years.
- Avocational: The Injured Party's direct exposure to **NGC** asbestos product(s) was through non-job-related activities. Exposure on an avocational basis will be converted to an equivalent based on full-time occupational exposure. Sections 5.6 – 5.11 are not applicable for Avocational exposure.

Sections 5.4 - 5.14 must be completed for each claimed exposure to NGC asbestos product(s).

NGC asbestos product information:

5.4 **NGC** Asbestos Product Code(s): ² _____

5.5 Product Installation Dates: From ____/____/____ to ____/____/____

Injured Party NGC asbestos product Jobsite information:

5.6 Jobsite: _____ City: _____ State: _____

5.7 Building Name at Jobsite: _____

5.8 Area in building where exposure occurred: _____

Injured Party Exposure information:

5.9 Employer: _____ City: _____ State: _____

5.10 Industry Code: ³ ____ If other, specify: _____

5.11 Occupation Code: ⁴ ____ If other, specify: _____

5.12 Dates of Injured Party's Exposure to NGC ACM: From ____/____/____ to ____/____/____

5.13 Time of Exposure: During Installation Post-Installation to Friable NGC ACM
 During Removal, Rip-Out or Other Disturbance to Non-Friable NGC ACM

5.14 Describe how the Injured Party identified and was exposed to the **NGC** asbestos product(s) as claimed above:

These changes have been made to Part 6 EOEP and Addendum A.



Data Import Spreadsheet

3	Field	Data	Description	Acceptable Values (If	Required (Y/N)
4	rowID	Number	Unique identifier		Y
5	ClaimID	Number	Corresponding ClaimID from xDE_Claim Table		Y
6	ExpType	Text	Is the Exposure for the Injured Party or EOEP	IP EOEP	Y
7	Type of Exposure	Number	Type of Exposure being claimed	1 if Occupational 2 if Avocational 3 if Exposure Presumption	Y
8	BeginProductInstallation	Date	Beginning Product Installation Date		Y
9	EndProductInstallation	Date	Ending Product Installation Date		Y
10	Time of Exposure	Number	Nature of work performed	1 if During Installation 2 if During Removal, Rip-Out or Other Disturbance to Non-Friable NGC ACM 3 if Post-Installation to Friable NGC ACM	Y
11	Employer	Text	Name of Employer		Y (if Type of Exposure = 1 –
12	Emp_City	Text	Employer's City		Y (if Type of Exposure = 1 –
13	Emp_State	Text	Employer's State		Y (if Type of Exposure = 1 –
14	Industry	Number	Code from Exhibit B		Y (if Type of Exposure = 1 –
15	IndOther	Text	Description of Industry		Y (if Industry = 21 - Other)
16	Jobsite	Text	Name of Jobsite		Y (if Type of Exposure = 1 –
17	City	Text	City of Jobsite		Y (if Type of Exposure = 1 –
18	State	Text	State of Jobsite		Y (if Type of Exposure = 1 –
19	Building Name	Text	Name of the building at the jobsite		Y (if Type of Exposure = 1 –
20	Area in Building	Text	Area in building where exposure occurred		Y (if Type of Exposure = 1 –
21	Occupation	Number	Code from Exhibit A		Y (if Type of Exposure = 1 –

These changes have been made to Part 6 EOEP.

Online Data Entry - Exposure Detail Screen

Occupational (Job-Related) Exposures to NGCBIT
The Injured Party's occupation and industry while directly exposed to NGCBIT asbestos product(s):
1 of 1

Type of Exposure:  
Please Select
Occupational
Avocational
Exposure Presumption

Trust Product Information

* NGCBIT Asbestos Product(s):

Product Installation Dates: - To -

Jobsite

Job Site:

Job Site City: Job Site State:

Building Name:

Area in Building:

Injured Party Exposure

Employer:

Employer City: Employer State:

Industry:

Occupation:

* Period of Exposure: - To -

Time of Exposure:

Describe how the Injured Party identified and was exposed to the NGC asbestos product(s) as claimed above:

Description Allowed

These changes have been made to the EOEP screen.

Claims Processing - Exposure Detail Screen

Occupational (Job-Related) Exposures to NGCBIT
The Injured Party's occupation and industry while directly exposed to NGCBIT asbestos product(s):

2 of 2

Type of Exposure:

- Please Select
- Occupational
- Avocational
- Exposure Presumption

Trust Product Information

NGCBIT Asbestos Product (s):

Product Installation Dates: - To -

Jobsite

Job Site:

Job Site City: Job Site State:

Building Name:

Area in Building:

Injured Party Exposure

Employer:

Employer City: Employer State:

Industry:

Occupation:

Period of Exposure: - To -

Time of Exposure:

Describe how the Injured Party identified and was exposed to the NGC asbestos product(s) as claimed above:

Description Allowed

These changes have been made to the EOEP screen.

Next Steps

What is the Status of Claims Already Filed?

Status of Claims:

- Claims filed since December 10, 2012 fall under the Revised REP.
- No claims have been processed under the REP due to on-going discussions with Trustees, TAC and Legal Representative regarding the REP.

Preliminary review of these claims has found the following:

- Most did not meet the requirements of the REP (2012).
- Most do not meet the requirements of the Revised REP.
- Most have submitted exposure documentation identical or similar to that submitted for Pre-REP claims.

Review of Claims Under the Revised REP

- The Trust will begin processing claims under the Revised REP mid-December 2013.
- Because most exposure evidence included in REP claims is unchanged from that submitted for Pre-REP claims, general exposure deficiencies will be cited for those claims that do not meet the requirements of the Revised REP.
 - The general deficiencies will be cited in usual correspondence – deficiency letters with specified response times.
 - The general exposure deficiencies reference the Revised REP.

The general exposure deficiencies reference high-level requirements not met:

- | | |
|--|--|
| <ul style="list-style-type: none">• No Installation Evidence• No NGC ACM Product or Product Type• No Dates of Installation or Disturbance• No Dates of IP's Exposure to NGC ACM | <ul style="list-style-type: none">• No Duration of NGC ACM Installation• No Place where the NGC ACM was Installed or Disturbed• No Description of How Exposed• No Description of Knowledge that ACM was NGC |
|--|--|

Review of Claims Under the Revised REP

Once responses to the general exposure deficiencies are received, an in-depth review will take place:

- Detailed deficiencies will be cited, if necessary, during the in-depth review.
- The detailed deficiencies will be cited in usual correspondence – deficiency letters with specified response times.

NOTE: Law firms may continue to request the withdrawal of a claim until its Notice of Determination is issued.

Stay Tuned.....

- **SYSTEM MODIFICATIONS** expected to **“GO LIVE”** the week of December 16th
- **NEW CLAIMS** can be filed online once system changes are “Go Live”
- **Data Import spreadsheets** will be available the week of December 16th
(Contact the Facility to request the template with instructions for your IT department)
- **Future announcements** regarding claims filing materials will be sent via email to registered **attorneys and contacts**
- **Announcements** will also be posted on the NG website, **www.ngcbitrust.org**

Contact Miranda Wooldridge (mwooldridge@trustservices.org or (800)580-2191) with any questions!

Revised Restated Exposure Policies

Webinar Session

December 2013

