

Standards for Additions to NGC Public Site List NGC Bodily Injury Trust

Background:

The NGC Public Site List consists of two highly documented sets of sites:

- NGC PD ACM Sites: Buildings that are sites of Property Damage Claims that were allowed by the NGC Settlement Trust, the predecessor trust to the NGC Bodily Injury Trust (the “Trust”). These are sites that were documented by some combination of asbestos surveys by Qualified Persons, bulk sample analysis, constituent analysis, as-built drawings and specifications, invoices, findings of courts and National Gypsum documents such as advertisements. All were for friable NGC asbestos-containing material (“ACM”), namely acoustical plaster, fireproofing and other plasters.
- NGC ACM Plant Sites: The National Gypsum plants where asbestos-containing products were manufactured are considered NGC ACM Plant Sites for the years in which National Gypsum owned the plant and asbestos-containing products were manufactured at that plant. All are based on records reviewed by counsel to National Gypsum, counsel to the Trust or the staff of the Trust.

There are currently 855 sites included in the NGC Public Site List; 825 from NGC PD ACM Sites and 30 from NGC ACM Plant Sites.

Additions to NGC Public Site List:

In response to questions regarding whether additional sites might be added to the NGC Public Site List, the Trustees have considered the standards under which sites initially were placed on the NGC Public Site List. While there may be cause to add sites under some variation of the policies and standards that were used to prove NGC ACM product identification under the procedures of the NGC Settlement Trust, those standards will generally continue to apply to sites other than NGC ACM Plant Sites. Generally, the documentation to establish a new site on the NGC Public List will consist of one or more of, but not be limited to, the following:

- Asbestos Building Survey by a Qualified Person (a Certified Asbestos Inspector) that identifies NGC ACM as being installed in the building, where it was installed and when it was installed.
- Bulk Sample Analysis that will identify the presence of ACM in the building, but not specifically NGC ACM, accompanied by acceptable chain of custody documentation for samples analyzed.
- Constituent Analysis by a laboratory approved by the NGC Settlement Trust in 1993 or 1994 accompanied by acceptable chain of custody documentation for samples analyzed.
- As-built drawings and/or specifications for a building that identify NGC ACM as installed in the building, where it was installed and when it was installed.
- National Gypsum invoices to support the sale and delivery of NGC ACM to a specific building project.
- Findings of courts where issues of NGC ACM product identification were tried or at issue.
- National Gypsum Company documents including, but not limited to, advertisements that specifically identify a NGC ACM product by name or type and the building where it was installed.

A law firm or other party that wishes to submit documentation to add an approved site to the NGC Public Site List may do so by providing a brief and documentation to the Trust in support of the addition. Additionally, the Trustees of the Trust may, from time to time, monitor the number of law firms that have established the same Common Exposure Location through independent submission of testimony to support the establishment of the firms’ individual CEL lists. The Trustees may review the testimony submitted and, solely at the discretion of the Trustees, determine whether one or more CEL sites should be added to the NGC Public Site List.