

FULLER-AUSTIN ASBESTOS SETTLEMENT TRUST

Announcement of Additional Evidentiary Standards for Exposure

February 25, 2020

To all Claimants:

The Trustees of the Fuller-Austin Asbestos Settlement Trust (the “Trust”) have adopted the attached amendment to the Trust’s Claims Resolution Procedures to provide additional evidentiary standards for exposure to asbestos-containing materials sold, installed or removed by Fuller Austin Insulation Company (“Fuller-Austin ACM”). The amendment was approved by the Trust Advisor and the Legal Representative. The additional evidentiary standards will be applied in the evaluation of all claims filed with the Trust on or after February 25, 2020.

The Trust’s Claims Resolutions Procedures have always required claimants to provide credible evidence of exposure to Fuller-Austin ACM. Most claimants who have filed with the Trust in the past have submitted evidence of exposure that meets the additional evidentiary standards, and the Trustees do not anticipate that the clarification provided by the additional evidentiary standards will create an undue burden for claimants.

The additional evidentiary standards clarify that the evidence submitted should include specific information on where, how and when the claimant was exposed to Fuller-Austin ACM. Claims filed with the Trust prior to February 25, 2020 must still provide credible evidence of exposure to Fuller-Austin ACM that is consistent with the Trust’s historical standards.

Anne M. Ferazzi, Trustee

Mark A. Peterson, Trustee

Amendment to Claims Resolution Procedures

The amendment adds text immediately after the first sentence and before the second sentence of the last paragraph of each of Section 4.2(c) and Section 4.3(c) of the Claims Resolution Procedures, such that the last paragraph of each of Section 4.2(c) and Section 4.3(c), as amended, will read as follows:

“Exposure to asbestos-containing material sold, installed, or removed by Fuller-Austin can be established by deposition testimony, invoices, affidavits, or other credible evidence acceptable to the Trustees that a claimant worked at a particular facility or location within the time period in which asbestos-containing material sold, installed, or removed by Fuller-Austin was present at such facility. More specifically, a claimant must provide the following:

(1) Proof of exposure to asbestos-containing material sold, installed, or removed by Fuller-Austin must be provided by the claimant as to the claimant’s own exposure or if the claimant was not the occupationally exposed person (“OEP”), the claimant must provide proof of exposure by the OEP to asbestos-containing material sold, installed, or removed by Fuller-Austin. If the claimant is making a claim as a result of the claimant’s exposure to asbestos-containing material sold, installed, or removed by Fuller-Austin through contact with the OEP, the claimant must provide proof of exposure by both the OEP and the claimant.

(2) A claimant must establish exposure to asbestos-containing material sold, installed, or removed by Fuller-Austin (i) by providing evidence of exposure at one or more locations on the list maintained by the Trust of all the known locations where Fuller-Austin worked from 1945 through 1985 (the “Site List”) following the Initial Activity Date (as shown on the Site List) for that location and before December 31, 1982 or (ii) by providing evidence of exposure at one or more locations other than those on the Site List before December 31, 1982 and that Fuller-Austin sold, installed, or removed asbestos-containing material at that location or locations during or prior to the claimant’s exposure.

(3) All claimants must provide credible evidence of exposure by the claimant or OEP, as applicable, including by affidavit or other sworn testimony by the claimant, a co-worker or other person with personal knowledge of the facts stated, stating with specificity:

(i) The claimant’s or OEP’s occupation and the industry in which the claimant or OEP was working at each location during the exposure period;

(ii) How the claimant or OEP was exposed to asbestos-containing material at each location, describing the contact with and proximity to asbestos-containing material; and

(iii) If the claimant was not the OEP, how the claimant was exposed to asbestos-containing material sold, installed, or removed by Fuller-Austin through the OEP, including how and where the exposure to the OEP occurred.

Alternatively, claimants may establish the facts required in subparagraphs (i), (ii) and (iii) above by submission of documents or by other means acceptable to the Trustees. The Trustees may adopt policies from time to time to clarify the interpretation and application of these evidentiary standards.

The Trustees shall have the right to consider all other appropriate evidence of exposure and may establish appropriate alternative exposure criteria with the consent of the TA and the Legal Representative.”