

THE APG ASBESTOS TRUST

To: All Claimants and Claimants' Counsel

From: Trustee of the APG Asbestos Trust

Date: January 31, 2025

Re: *Policy Regarding the Type and Level of Proof Needed for Secondary Non-Malignant Claims*

Section 5.5 of the Trust Distribution Procedures (“TDP”) sets forth certain requirements for secondary exposure claims—claimants who allege an asbestos-related disease resulting solely from exposure to an occupationally exposed person (“OEP”). Pursuant to Section 5.5, a secondary exposure claim must establish, among other things, that such secondary exposure was a cause of the claimed disease.

Effective as of January 31, 2025, all pending non-malignant secondary exposure claims (Disease Levels I, II, and III) must provide the following proof to establish that their secondary exposure was a cause of the claimed disease:

For Disease Level III, a person with Secondary Exposure may establish the “cause” element by establishing either (1) that the OEP has a claim for which he or she could recover from the Trust for a Level III disease; *or* (2) that (a) the OEP could recover from the Trust for any other disease level; *and* (b) that the person with Secondary Exposure had (i) APG Exposure (as defined in the TDP) and (ii) Secondary Exposure for a period of no less than 20 years.

For Disease Level II, a person with Secondary Exposure may establish the “cause” element by establishing either (1) that the OEP has a claim for which he or she could recover from the Trust for a Level III disease; *or* (2) that (a) the OEP could recover from the Trust for any disease level; *and* (b) that the person with Secondary Exposure had (i) APG Exposure (as defined in the TDP) and (ii) Secondary Exposure for a period of no less than 17 years.

For Disease Level I, a person with Secondary Exposure may establish the “cause” element by establishing either (1) that the OEP has a claim for which he or she could recover from the Trust for a Level III disease; *or* (2) that (a) the OEP could recover from the Trust for any disease level; *and* (b) that the person with Secondary Exposure had (i) APG Exposure (as defined in the TDP) and (ii) Secondary Exposure for a period of no less than 12 years.

A secondary exposure claimant who does not meet the above criteria has the option to pursue Individual Review.

A secondary exposure claimant must also meet all of the other criteria for recovery that are set forth in the TDP. This Policy only addresses the “cause” requirement set forth in Section 5.5 of the TDP. If there are any conflicts between this policy and the TDP, the TDP shall control.