

**Owens Corning/Fibreboard  
Asbestos Personal Injury Trust  
(Revised August 2, 2019)**

August 27, 2007

Dear Prospective Claimant or Claimant Counsel,

The Owens Corning/Fibreboard Asbestos Personal Injury Settlement Trust (“the Trust”) has been established under Chapter 11 of the Bankruptcy Code to resolve all “Asbestos Personal Injury Claims” as defined in the Sixth Amended Joint Plan of Reorganization of Owens Corning and Its Affiliated Debtors and Debtors-In-Possession (as Modified), dated July 7, 2006 (the “Plan”), and to use the PI Trust Assets and income to pay the holders of all PI Trust Claims in accordance with the PI Trust Agreement and the Trust Distribution Procedures (the “TDP”) in such a way that such holders of PI Trust Claims are treated fairly, equitably and reasonably in light of the limited assets available to satisfy such claims, and to otherwise comply in all respects with the requirements of a trust set forth in Section 524(g)(2)(B) of the Bankruptcy Code.

**The Trust is commencing its operations and will begin receiving and processing claims on Monday, August 27, 2007 at 10:00 AM EST. The materials necessary to file a claim with the Trust, including Claim Forms, the TDP and associated materials, are included in this package. Copies of claim forms as well as these instructions and other relevant documents and reference material also are available on the Trust’s website ([www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com)), and may be downloaded at any time.**

This instruction letter is intended to summarize certain significant issues related to filing a personal injury claim with the Trust. *Nothing in this letter is intended to replace or modify the requirements of the Owens Corning/Fibreboard Asbestos Personal Injury Settlement Trust Distribution Procedures. All claimants are encouraged to read thoroughly and understand the TDP (enclosed)<sup>1</sup> before filing a claim with the Trust.*

**Ordering of Claims:**

Pursuant to Section 5.1(a)(1) of the TDP, claims received prior to February 27, 2008 (the “Initial Claims Filing Date”) will be ordered for processing based on the earlier of:

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<sup>1</sup>Please refer to the Trust’s website ([www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com)) for the September 25, 2007 revised TDP.

- i. The date prior to October 5, 2000 (the “Petition Date”) that the claim was either filed against Owens Corning (OC) or Fibreboard in the tort system or submitted to OC or Fibreboard pursuant to an administrative settlement;
- ii. The date prior to October 5, 2000 (the “Petition Date”) that a claim was filed against another defendant in the tort system if, at the time, the claim was subject to a tolling agreement with OC or Fibreboard;
- iii. The date after October 5, 2000 (the “Petition Date”) but before February 27, 2008 (the “Initial Claims Filing Date”) that the claim was filed against another asbestos defendant in the tort system;
- iv. The date after October 5, 2000 (the “Petition Date”) but before October 31, 2006 (the “Effective Date”) that a Proof of Claim was filed by the claimant against Owens Corning/Fibreboard in the Chapter 11 proceeding; or
- v. The date after October 5, 2000 (the “Petition Date”) that a ballot was submitted on behalf of the claimant for purposes of voting to accept or reject the Plan.

Claims received on or after February 27, 2008 (the “Initial Claims Filing Date”) will be ordered for processing on a first-in-first-out (FIFO) basis.

Claims will be paid in the order in which they are evaluated and approved for payment.

#### **Expedited Review (ER) and Individual Review (IR) Claims**

Pursuant to Sections 5.3(a) and 5.3(b) of the TDP, a claimant may elect to submit a claim for either Expedited Review (ER) or Individual Review (IR). The ER process is designed primarily to provide an expeditious, efficient and inexpensive method for liquidating all categories of PI Trust claims (except those involving Lung Cancer 2, Foreign Claims, and secondary exposure claims). ER is a method of review intended for claims that can be easily verified by the Trust as meeting the presumptive Medical/Exposure criteria for the relevant disease level. ER will provide qualifying claimants fixed claims payment subject to the Payment Percentage (see Scheduled Values below). Accordingly, ER provides claimants with a substantially less burdensome process for pursuing PI Trust claims than the IR process described below and in Section 5.3(b) of the TDP.

Alternatively, a claimant may elect to have a claim undergo the IR process if the claim does not meet presumptive Medical/Exposure criteria for any of the Disease Levels in TDP Section 5.3 or to determine whether the liquidated claims value exceeds the Scheduled Value. The IR Process provides the claimant with an opportunity for individual consideration and evaluation of the Medical/Exposure information submitted as well as the liquidated value of the claim. The IR process is intended to result in payments equal to the liquidated value for each claim multiplied by the Payment Percentage; however, the liquidated value of any PI Trust claim that undergoes IR may be determined to be less than the claimant would have received under ER. Because the detailed examination and valuation process related to IR requires substantial time and effort, claimants electing to undergo the IR process will ordinarily have a longer waiting period for payment than would have been the case had the claimants elected the ER process.

**Settlement Offers:**

Valid ER claims will be paid the following Scheduled Values, multiplied by the Payment Percentage that is effective at the time of liquidation. Disease Level I claims are not subject to the Payment Percentage.

Disease Level	Scheduled Disease	Scheduled Value	
		Owens Corning	Fibreboard
VIII	Mesothelioma	\$215,000	\$135,000
VII	Lung Cancer 1	\$40,000	\$27,000
VI	Lung Cancer 2	None	None
V	Other Cancer	\$22,000	\$12,000
IV	Severe Asbestosis	\$42,000	\$29,000
III	Asbestosis/Pleural Disease Level III	\$19,000	\$11,500
II	Asbestosis/Pleural Disease Level II	\$8,000	\$4,500
I	Other Asbestos Disease (Cash Discounted Payment)	\$400	\$240

Level VI Claims are those that do not meet the more stringent medical and/or exposure requirements of Lung Cancer 1 (Level VII) Claims. There is no Scheduled Value for these Level VI Claims; rather they must be filed as IR claims and individually evaluated. The estimated anticipated average of the individual awards for a valid claim in this category for OC Claims is \$20,000 and for Fibreboard Claims is \$12,000 with awards capped at \$50,000 for OC Claims and \$30,000 for Fibreboard Claims unless the claim qualifies for extraordinary treatment. All payments for Level VI Claims are subject to the applicable Payment Percentage.

*The current Payment Percentage is 7.8 % for OC Claims and 6.7% for Fibreboard Claims. At this Payment Percentage, a mesothelioma OC Claim paid at scheduled value will receive \$16,770, a Lung Cancer Level I Fibreboard Claim will receive \$1,809, an Other Cancer OC Claim will receive \$1,716, etc. The Payment Percentage is subject to adjustment by the Trustees under the terms of the TDP. Payment will be made as soon as practicable after receipt and review of the completed Claim Forms and receipt of a fully executed release. Interest will be calculated as applicable at time of payment pursuant to Section 7.5 of the TDP. Level I claims are not eligible for interest.*

**Proof Required to Qualify for Payment:**

To qualify for payment, a claimant must provide credible medical and exposure evidence and a submission deemed to be complete by the Trust.

**Medical Criteria for Qualification:**

The medical criteria that a claim must meet to receive an offer for the Scheduled Value are as follows:

#### Level VIII: Mesothelioma

1. Diagnosis of mesothelioma; and
2. OC or Fibreboard Exposure as defined in Section 5.7(b)(3) of the TDP prior to December 31, 1982.

#### Level VII: Lung Cancer 1

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined in Footnote 3 of the TDP;
2. Six months of OC or Fibreboard Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos as defined in Section 5.7(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

#### Level VI: Lung Cancer 2

1. Diagnosis of a primary lung cancer;
2. OC or Fibreboard Exposure prior to December 31, 1982; and
3. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Lung Cancer 2 (Level VI) Claims are those that do not meet the more stringent medical and/or exposure requirements of Lung Cancer 1 (Level VII) claims. All claims in this Disease Level shall undergo IR. The estimated likely average of the individual evaluation awards for this category for OC Claims is \$20,000 and for Fibreboard Claims is \$12,000, with such awards capped at \$50,000 for OC Claims and at \$30,000 for Fibreboard Claims unless the claim qualifies for Extraordinary Claim treatment.

Level VI Claims that show no evidence of either an underlying Bilateral Asbestos-Related Nonmalignant Disease or Significant Occupational Exposure may be individually evaluated, although it is not expected that such claims shall be treated as having any significant value, especially if the claimant is also a smoker. In any event, no presumption of validity shall be available for any claims in this category.

#### Level V: Other Cancer

1. Diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease;

2. Six months OC or Fibreboard Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.

#### Level IV: Severe Asbestosis

1. Diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestos, plus (a) TLC less than 65% or (b) FVC less than 65% and FEV1/FVC ratio greater than 65%;
2. Six months OC or Fibreboard Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

#### Level III: Asbestosis/Pleural Disease

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease, plus (a) TLC less than 80%, or (b) FVC less than 80% and FEV1/FVC ratio greater than or equal to 65%;
2. Six months OC or Fibreboard Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

#### Level II: Asbestosis/Pleural Disease

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months OC or Fibreboard Exposure prior to December 31, 1982; and
3. Five years cumulative occupational exposure to asbestos.

#### Level I: Other Asbestos Disease (Cash Discount Payment)

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease or an asbestos-related malignancy other than mesothelioma; and
2. OC or Fibreboard Exposure prior to December 31, 1982.

#### **Exposure Criteria for Qualification:**

***Exposure to OC and Fibreboard Products and Significant Occupational Exposure*** To qualify for any Disease Level, a claimant must demonstrate: (1) meaningful and credible exposure, which occurred prior to December 31, 1982, to asbestos or asbestos-containing products supplied, specified, manufactured, installed, maintained, or repaired by OC or Fibreboard; and (2) for certain disease levels, a claimant must demonstrate Significant Occupational Exposure (“SOE”) to asbestos products.

***Site/Plant Where Exposure Occurred***

Questions 1 through 4 in Part 3 of the Claim Form ask about the sites where the claimant was exposed to asbestos products. In response to these questions, a claimant must list the sites where he/she was exposed to asbestos products to prove both (1) exposure to OC or Fibreboard asbestos products, and (2) SOE, if applicable.

There are two ways to demonstrate that OC or Fibreboard asbestos products were at a work site:

1. The claimant worked at a site which is listed on the approved OC or Fibreboard site lists, found on the website at [www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com); or
2. The claimant can establish, through affidavit, invoices, deposition testimony, or other means as described below in the section “Sufficiency of Evidence” that OC or Fibreboard’s asbestos products were used at a particular work site. A certification of counsel alone is not sufficient to establish OC or Fibreboard product at a particular site.

***Significant Occupational Exposure***

As noted above, questions 1 through 4 in Part 3 of the Claim Form seek information regarding SOE, as well as exposure to OC or Fibreboard asbestos products. Additionally, questions 5 and 6 also relate to SOE. Pursuant to TDP Section 5.7(b)(2), SOE means employment for a cumulative period of at least five years with a minimum of two years prior to December 31, 1982, in an industry and an occupation in which the claimant (a) handled raw asbestos fibers on a regular basis; (b) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers; (c) altered, repaired or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or (d) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described in (a), (b) and/or (c).

If a claimant worked in an occupation/industry listed on the SOE Occupations Rating list, found on the website at [www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com), for at least five years with a minimum of two years prior to December 31, 1982, and if any box other than “None of the above” is checked in POC Part 3 question 5, no further evidence of SOE is required. If the claimant’s occupation/industry is not set forth on the Presumptive SOE Occupations Rating list, or if the box labeled “None of the above” is checked in POC question 5, then

evidence of the claimant's SOE must be submitted. Evidence of SOE can be demonstrated by certification of counsel or as set forth below under "Sufficiency of Evidence."

It is only necessary for a claimant to demonstrate SOE to qualify for Disease Levels III, IV, V and VII.

***Exposure to OC or Fibreboard Asbestos Products***

A claimant must demonstrate meaningful and credible exposure, which occurred prior to December 31, 1982, to asbestos or asbestos-containing products supplied, specified, manufactured, installed, maintained, or repaired by OC or Fibreboard. This exposure may occur at anytime on or after the date in which the OC or Fibreboard asbestos product was applied.

Question 7 in Part 3 relates to the evidence that is necessary to demonstrate exposure to OC or Fibreboard asbestos products. All claimants must answer question 7(a), unless the site is being offered only for the purpose of demonstrating significant occupational exposure. Question 7(b) need **not** be answered if:

- The site is on the relevant OC or Fibreboard approved site list, and the injured party worked there during the appropriate time period (if there is no date on the approved site list, the question 7(b) must be answered); or
- Claimant's answer to Question 1 in Part 3 is the injured party's personal identification of exposure to OC or Fibreboard asbestos products/activities (e.g., affidavit or deposition testimony of the claimant); or
- Claimant's answer to Question 1 in Part 3 otherwise identifies OC or Fibreboard asbestos products/activities at this site (e.g., coworker affidavit), and also identifies the injured party by name; or
- The answer to Question 1 in Part 3 provides evidence that OC or Fibreboard asbestos products or activities were at this site and further sets forth that the injured party worked at this site during the same year or at anytime thereafter up until 1982.

Question 7(b) **must** be answered if:

- The claimant checked box 1 in question 7(a) and there is no date on the approved site list; or
- The claimant checked box 6 in question 7(b) "None of the above apply."

Where instructed to answer question 7(b), the claimant must state how the injured party was exposed to the type of OC or Fibreboard asbestos products or activities, which the answer to question 1 proves were at this site. It is not necessary that the claimant identify OC or Fibreboard by name, but it is necessary that the description relate to the

same type of product or activity that is associated with the site. If a claimant responded to question 7(a) by checking a box that ordinarily would not require a response to the question 7(b), but that claimant did not work at an occupation on the Presumptive SOE Occupations Ratings list, it is suggested that the claimant respond to question 7(b), to avoid a request for further information about the injured parties' occupation.

If you are required to answer question 7(b) and this information is already set forth in documents submitted in response to question 1 in Part 3 of the Claim Form (e.g., claimant affidavit, interrogatory answers), respond to question 7(b) by simply referencing the documents in answer to question 1.

### ***Sufficiency of Evidence***

Where a claimant must demonstrate that OC or Fibreboard asbestos products were at a site/plant, or where a claimant seeks to demonstrate SOE or company exposure other than by certification of counsel, such evidence may be established by:

- An affidavit of the injured party (an example is included in the filing instruction) x An affidavit of a co-worker or the affidavit of a family member in the case of a deceased claimant
- An affidavit of a family member in the case of a deceased claimant x Invoices
- Construction or similar records
- Sworn statement, interrogatory answers, sworn work history, or deposition/trial testimony
- Other reliable evidence

### ***Medical Evidence Required to Establish an Asbestos-Related Disease:***

All diagnoses of a Disease Level shall be accompanied by either:

- i. A statement by the physician providing the diagnosis that at least ten years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis, or
- ii. A history of the claimant's exposure sufficient to establish a ten-year latency period.

A finding by a physician after the Effective Date (October 31, 2006) that a claimant's disease is "consistent with" or "compatible with" asbestosis shall not alone be treated by the Trust as a diagnosis.

*For Disease Levels I-IV*– All diagnoses of nonmalignant asbestos-related disease (Disease Levels I-IV) shall be based upon a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease or by a pathology report.

For Disease Levels V-VIII – All diagnoses of asbestos-related malignant disease shall be based upon either (1) a physical examination of the claimant by the physician providing



the diagnosis of the asbestos-related disease, or (2) a diagnosis of such malignant Disease Level by a board-certified pathologist.

In the case of a claimant who was deceased at the time the claim was filed, all diagnoses of a nonmalignant asbestos-related disease (Levels I-IV) shall be based upon either:

- i. A physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease, or
- ii. Pathological evidence of the asbestos-related disease, or
- iii. In the case of Disease Levels I-III, evidence of Bilateral Asbestos-Related Nonmalignant Disease and for Disease Level IV, either an ILO reading of 2/1 or greater or pathological evidence of asbestosis
- iv. For either Disease Level III or IV, pulmonary function testing.

For a detailed description of the medical evidence requirements by Disease Level see TDP Section 5.7(a). You should review this section of the TDP before filing a claim.

**Litigation/Claims History:**

Questions 1(f) and 1(g) of Part 5 of the Claim Form asks for information regarding prior settlements with Owens Corning or Fibreboard. If the Claim Form is being filed for Owens Corning and Fibreboard, 1(f) and 1(g) needs to be answered for both Owens Corning and Fibreboard. If the Claim Form is being filed seeking recovery from only one of the sub-trusts, then 1(f) and 1(g) need only be answered for that sub-trust. For example, if the Claim Form is being submitted for Owens Corning only, you need answer question 1(f) and 1(g) for Owens Corning only, and you do not need to complete this question as it relates to Fibreboard.

**Releases:**

A claimant accepting an offer must execute a full release for all malignancy payments, or a limited release for non-malignancy payments. Any claimant who receives a payment for a nonmalignant injury may file a new *personal injury claim* for an asbestos-related malignancy that is *subsequently* diagnosed. Any additional payments to which such claimant may be entitled shall not be reduced by the amount of the prior payment for a nonmalignant disease.

**How to Initiate a Claim:**

If a claimant is qualified and elects to file a claim, he or she must file a complete Claim Form and submit all supporting documentation indicated.

A sample of the Claim Form is enclosed and may be copied to provide forms for all claimants represented by a law firm. A claimant must submit the appropriate, fully completed Claim Form, including all supporting information referenced in the form. To expedite processing, claimants are encouraged to file electronically by following the instructions at the Trust website ([www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com)).

Claims can be filed electronically using the Trust Online system. To do so, download and complete the E-Filer Agreement (EFA) from the Trust website ([www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com)). Once that agreement is executed, a Trust Online user ID and password will be provided to login to the system. Trust Online supports the ability to enter new claims, edit existing claims, cure deficiencies on existing claims, upload and view supporting documents and run a variety of reports on filed claims. These features are designed to simplify and expedite the claim filing process while saving time and money for all parties. Claimants and counsel are encouraged to use these online filing features.

Claims can be filed in bulk using the Trust Online Bulk Upload Tool or using web services. These tools support the submission of multiple claims quickly and efficiently. For law firms that have claimant data already in electronic form, either tool can be used to send that data to the Trust without having to retype it into Trust Online or submit paper claims. These tools also support the submission of supporting document images along with the claim records. Contact the Trust for detailed instructions on how to use the Bulk Upload Tool or web services at (866) 665-5790.

Finally, using Trust Online it is possible that claim data previously submitted to the Celotex Trust, the B&W Trust, the AWI Trust or the USG Trust can be used to expedite the preparation and review of claims for the OCFB Trust. By using claim data and review results already available in the Celotex Trust, B&W Trust, AWI Trust or USG Trust systems, the Trust may expedite the approval of OCFB claims. In no situation will using existing data negatively impact a review, nor will this information be used without the express approval of the claimant.

**Where to Submit Claim Forms:**

Electronic claim submissions, including document images, can be filed directly through the Trust Online system. There is no need to submit paper claims for Trust Online submissions.

However, if paper claims and documents need to be sent to the Trust, they should be addressed to:

The Owens Corning/Fibreboard Asbestos Personal Injury  
Trust P.O. Box 1072  
Wilmington, DE 19899-1072

**Statutes of limitation on filing a claim:**

To be eligible for processing, a claim must meet either:

- i. For claims first filed in the tort system against OC or Fibreboard prior to October 5, 2000 (the “Petition Date”), the applicable federal, state, and foreign statute of limitation and repose that was in effect at the time of the filing of the claim in the tort system, or
- ii. For claims not filed against OC or Fibreboard in the tort system prior to October 5, 2000 (the “Petition Date”), the applicable federal, state or foreign statute of limitation that was in effect at the time of the filing with the Trust. However, the running of the relevant statute of limitation may be tolled by a number of factors (see TDP Section 5. 1(a)(2), revised September 25, 2007).

**Doctors and Medical Facilities:**

Section 5.7(a)(2) of the TDP requires that before making any payment the Trust must have reasonable confidence that the medical evidence provided in support of the claim is credible and consistent with recognized medical standards. The Trust has determined, based on currently available information, that medical reports from certain doctors and medical facilities may not meet the reliability standards of this section. *Accordingly, until further notice, the Trust will not accept medical reports from and will not process claims relying upon medical information from the following doctors and medical facilities: Dr. James Ballard, Dr. Kevin Cooper (of Pascagoula, Mississippi), Dr. Todd Coulter, Dr. Andrew Harron, Dr. Ray Harron, Dr. Glynn Hilbun, Dr. Barry Levy, Dr. George Martindale, Dr. W. Allen Oaks, Netherland & Mason, Inc., Respiratory Testing Services, Inc. and Occupational Diagnostics.*

**Questions and Assistance:**

If you have questions concerning the claim filing procedures, instructions or forms, you may reach the DCPF in a variety of ways. For assistance with the bulk upload tool, converting and linking claims or web services, please contact the DCPF websupport at (866)665-5790 or email websupport at [websupport@ocfbasbesotrust.com](mailto:websupport@ocfbasbesotrust.com). In addition, the websupport department can provide web-based training for all Trust Online users. A detailed user manual is also available on the Trusts' website at [www.ocfbasbestostrust.com](http://www.ocfbasbestostrust.com).

For assistance with specific claim form questions, the status of your claims, or how to resolve a claim deficiency, please contact the Claimant Relations department at (800)708-8925 or by email at [claimantrelations@delcpf.com](mailto:claimantrelations@delcpf.com).

In addition to these resources, the Claimant Relations department offers in-person training sessions at either our Wilmington claims processing facility or at your firm. If you or your staff is interested in participating in a training session, please contact our law firm coordinator at [claimantrelations@delcpf.com](mailto:claimantrelations@delcpf.com) or at (800)708-8925

Sincerely,

Owens Corning/Fibreboard Asbestos Personal Injury Trust Trustees