

# LAWSUIT UPDATE

May 2005

# Plaintiffs:

- International Brominated Solvents Association
- National Mining Association
- Aerosafe Products, Inc.
- Anchor Glass Container Corporation, Inc.

# Defendants:

- American Conference of Governmental Industrial Hygienists (ACGIH®)
- U.S. Department of Labor (DOL)
- U.S. Department of Health and Human Services (DHHS)

# Allegations:

- Count 1 – Violation of Federal Advisory Committee Act Against All Defendants
  - ***ACGIH<sup>®</sup> DISMISSED*** – March 11, 2005
  - ***DOL DISMISSED*** – March 11, 2005
  - ***DHHS DISMISSED*** – March 11, 2005

# Allegations (Continued)

- Count 2 – Violation of the Administrative Procedures Act Against All Defendants
  - ***ACGIH<sup>®</sup> DISMISSED*** – March 11, 2005
  - ***STILL PENDING AGAINST DOL***
  - ***STILL PENDING AGAINST DHHS***

# Allegations (Continued)

- Count 3 – Deceptive Trade Practices Act Against Defendant ACGIH®
  - ***STILL PENDING AGAINST ACGIH®***
- Count 4 – Tortious Interference with Business Relations Against Defendant ACGIH®
  - ***ACGIH® DISMISSED*** – March 11, 2005