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1. Arrange for the American Chemistry Council's legal counsel to conduct an antitrust briefing prior to any incident or information exchange, and to attend the incident and/or information exchange.
2. Limit incident exchanges to factual reports which describe the incident and any lessons learned, without making recommendations or drawing collective conclusions; limit information exchanges to factual reports which describe the presenter's experience with the topic, without specifically identifying or advocating any particular product, process or supplier.
3. Avoid sweeping conclusions. Allow conference participants to draw their own conclusions; consensus is not the goal.
4. Avoid discussions and circumstances that could collectively imply an endorsement or lead to an inadvertent boycott of any product or service. Accordingly, all group discussions of and group presentations regarding particular products should be factual in nature and should be limited to technical specifications, testing or research results, and technical applications of and for products.
5. Consult the Antitrust Checklist for American Chemistry Council Meetings for more specific guidance.

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ANTITRUST CHECKLIST

ANTITRUST CHECKLIST FOR AMERICAN CHEMISTRY COUNCIL MEETINGS This antitrust checklist, a part of ACC's Antitrust Compliance Guide, is for use by ACC staff and member company representatives in the conduct of ACC-sponsored meetings. Prohibited discussion topics apply equally to social gatherings incidental to ACC-sponsored meetings. The checklist is not exhaustive and does not address antitrust issues relating to activities other than ACC meetings. Participants in ACC meetings also should be thoroughly familiar with the Antitrust Compliance Guide.

DO

Do ensure strict performance in areas of:

OVERSIGHT/SUPERVISION:

- Have an ACC staff representative at each ACC-sponsored meeting;
- Consult with ACC counsel on all antitrust questions relating to ACC-sponsored meetings;
- Limit meeting discussions to agenda topics (unless additional topics have been approved by the ACC staff representative); and
- Provide each member company representative and ACC employee attending an ACC-sponsored meeting with a copy of this checklist, and have a copy available for reference at all ACC-sponsored meetings.

RECORD KEEPING:

- Have an agenda and minutes which accurately reflect the matters which occur; and
- Provide agendas and minutes to ACC legal counsel for review and approval in advance of distribution.

VIGILANCE:

- Protest against or stop any discussion or meeting activities which appear to violate this checklist. Member company representatives should disassociate themselves from any such discussion or activities and leave any meeting in which they continue.

DON'T

Don't, in fact or appearance, discuss or exchange information on:

PRICES, INCLUDING:

- Individual company prices, price changes, price differentials, markups, discounts, allowance, credit terms, etc.;
- Individual company data on costs, production, capacity, inventories, sales, etc.; and
- Industry pricing policies, price levels, price changes, differentials, etc.

PRODUCTION, INCLUDING:

- Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers; and
- Changes in industry production, capacity or inventories.

TRANSPORTATION RATES:

- Rates or rate policies for individual shipments, including basing point systems, zone prices, freight equalization, etc.

MARKET PROCEDURES, INCLUDING:

- Company bids on contracts for particular products; company procedures for responding to bid invitations; and
- Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them.