

## **BABCOCK & WILCOX COMPANY ASBESTOS PI TRUST RESOLUTION**

With the agreement of the Trust Advisory Committee (the “TAC”) and the Legal Representative for Future Asbestos-Related Claimants (the “FCR”), the Trustees of The Babcock & Wilcox Company Asbestos PI Settlement Trust (the “PI Trust”) unanimously adopt the following resolution, effective as of November 14, 2025:

**WHEREAS**, Section 8.1 of The Babcock & Wilcox Company Asbestos PI Settlement Trust Distribution Procedures (the “TDP”) and Section 2.2(g) of The Babcock & Wilcox Company Asbestos PI Trust Asbestos Personal Injury Trust Agreement (the “PI Trust Agreement”) permit amendment to the TDP with the consent of the TAC and the FCR.

**WHEREAS**, Sections 3.1 and 3.2 of the TDP and Sections 5.7 and 6.6 of the PI Trust Agreement establish procedures for consulting with the TAC and the FCR and procedures for obtaining consent of the TAC and the FCR by the PI Trust regarding any action amending the TDP prior to the implementation of any such amendment.

**WHEREAS**, the PI Trust has complied with the requirements of the above Sections of the TDP and the PI Trust Agreement and has obtained the consent of the TAC and FCR for the following change to Section 5.5 of the TDP.

**WHEREAS**, Section 5.5 of the TDP will be changed to read as follows:

If a claimant alleges an asbestos-related disease resulting from exposure to an occupationally-exposed person, such as a family member, the claimant must seek Individual Review of their claim pursuant to Section 5.3(b) above, *unless* the claim is for Disease Level VIII, Mesothelioma, in which case the claimant may seek either an Expedited Review or Individual Review of their claim.

For all claims, the claimant with secondary exposure must establish that: (a) the claimant is suffering from one (1) of the eight (8) Disease Levels described in Section 5.3(a)(3) above, or an asbestos-related disease otherwise compensable under the TDP; (b) the occupationally-exposed person would meet the exposure requirements under this TDP that would be applicable had the occupationally-exposed person filed a direct claim against the PI Trust; (c) the claimant’s secondary exposure to the occupationally-exposed person occurred within the same time frame as the occupationally-exposed person’s primary exposure; and (d) the claimant’s secondary exposure was a cause of the claimed disease.

If a claimant alleges an asbestos-related disease other than Mesothelioma (Disease Level VIII), the claimant with secondary exposure must *also* establish that the claimant was exposed to the occupationally-exposed person for a total period that is at least five times the exposure durations required for the occupationally-exposed person so that the intensity and the duration of the claimant’s secondary exposure are sufficient to establish an equivalent level of exposure required under this TDP for an occupationally-exposed person with respect to the relevant Disease Level. For Disease Levels II-V and VII, this means the claimant with secondary exposure must establish they were exposed through the occupationally-exposed person for at least: (i) 30 months of the occupationally-exposed person’s B&W Exposure prior to December 31, 1982; and (ii) 25 years of the

occupationally-exposed person's general asbestos exposure, all 25 years of which must have occurred prior to December 31, 1986.

All other liquidation and payment rights and requirements/limitations set forth in this TDP shall be applicable to such claims.

**THEREFORE, BE IT RESOLVED** that, after consultation with the TAC and the FCR, and upon consent of the TAC and the FCR, the amendment to the TDP is hereby adopted.

**COUNSEL TO THE PI TRUST:**

/s/Marla R. Eskin  
Marla R. Eskin, Esq.

Date: 11/24/2025

**COUNSEL TO THE TRUST ADVISORY COMMITTEE:**

/s/Todd E. Phillips  
Todd E. Phillips, Esq.

Date: 11/24/2025

**COUNSEL TO THE FUTURE CLAIMANTS' REPRESENTATIVE:**

Sharon M. Zieg  
Sharon M. Zieg, Esq.

Date: 11/24/2025