

THIRD AMENDMENT TO AMENDED AND RESTATED APG SILICA TRUST DISTRIBUTION PROCEDURES

THIS THIRD AMENDMENT TO AMENDED AND RESTATED APG SILICA TRUST DISTRIBUTION PROCEDURES (the “Third Amendment”), is executed on November 1, 2021, but effective as of April 30, 2013 (the “Effective Date”).

WHEREAS, the APG Silica Trust (the “Trust”) was created effective as of the Effective Date by the APG Entities, each a debtor and debtor-in-possession in case number 02-21626-JKF before the Bankruptcy Court, the APG Future Claimants Representative, the APG Silica Trustee and the APG Silica TAC identified on the signature pages to the APG Silica Trust Agreement dated April 30, 2013 (the “APG Silica Trust Agreement”) (all capitalized terms used but not defined herein having their respective meanings as set forth or referred to in the APG Silica Trust Agreement, except as otherwise provided herein);

WHEREAS, the Bankruptcy Court approved the APG Silica Trust Distribution Procedures (the “TDP”) which were effective as of the Effective Date;

WHEREAS, the Trust has adopted the Amended and Restated APG Silica Trust Distribution Procedures dated effective April 30, 2013, the First Amendment thereto dated effective April 30, 2013 and the Third Amendment thereto dated effective November 11, 2015 (as so amended, the “Amended and Restated TDP”);

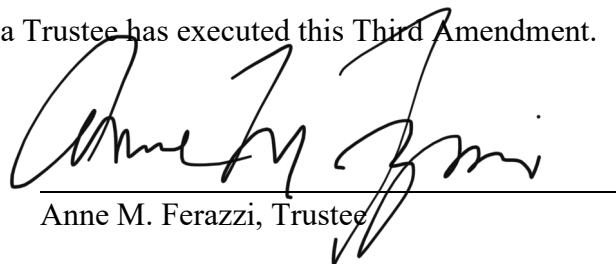
WHEREAS, the use of an x-ray with cytologic confirmation is medically recognized as a basis for diagnosis of primary lung cancer, but Section 5.7(a)(1)(B) of the Amended and Restated TDP inadvertently omitted the use of an x-ray with cytologic confirmation as a basis for diagnosis of primary lung cancer, and the Trustee desires to correct that error;

NOW, THEREFORE, in consideration of the premises, the APG Silica Trustee hereby adopts the following amendment to the Amended and Restated TDP, as amended:

1. Section 5.7(a)(1)(B) of the Amended and Restated TDP is hereby amended by inserting the following in clause (ii)(C) thereof immediately prior to “a pathology report by a board-certified pathologist”: “an x-ray with cytologic confirmation, or if the Injured Party is deceased,”.

2. As amended hereby, the Amended and Restated TDP remains in full force and effect.

IN WITNESS WHEREOF, the APG Silica Trustee has executed this Third Amendment.



Anne M. Ferazzi, Trustee