GHO - Denver
January 5, 1972

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S. Speil - Research & Engineering Center

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ASBESTOS FIBER
U.S. AND CANADIAN SHIPMENTS TO THE U.K.
AREA AND EUROPE

Your letter of December 29, 1971 to G.F. Parker has been referred to me.

You inquire as to company policy regarding labeling of asbestos-containing insulation materials manufactured in the United States and shipped to a location outside of North America. Company policy would reflect top level decisions based on combined legal and business advice and recommendations. I have not been informed as to a company policy bearing directly on your question.

The United Kingdom has specific legislation dealing with the problems of asbestos. I have been furnished with a copy of The Asbestos Regulations 1969 which, in turn, is applicable to certain locations subject to the Factories Act 1961. I do not have a copy of the latter statute. To date, no request has been received to have an examination made of U.K. law or of the law of any other foreign country bearing on the subject. In view of the number of countries involved to which asbestos fiber and products containing asbestos fiber are shipped, and in view of the number of legal contexts in which a question might arise, examination in any one or more foreign countries could involve substantial legal expense. Upon receipt of a request to do so, I shall be glad to have investigations made wherever desired.

In addition to specific legislation, questions of general law may well exist under the legal systems obtaining in most of the foreign market areas. This would be true in both common law and civil laws countries. Investigations in these fields would, of course, entail further legal expense.

In view of the above, it has been the position of the Legal Department that appropriate caution labels should be used wherever applicable. Obviously, such a position will

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necessarily involve substantial business questions. I have not been advised recently as to the business position on these questions. However, I note from J.L. Fischer's letter to L. Sorrentino dated December 9, 1971, a copy of which is enclosed with your letter, that D. Poutiatine has advised that the Asbestos Fiber Division has a policy that asbestos fiber shipments to the U.K. area should not contain a warning label. I have not been informed whether such a policy has been established following full advice as to applicable law.

In view of the above, I do not feel in a position to answer your specific question. It is possible for me to note merely that, based upon preliminary legal advice and general principles of law, it is the position of the Legal Department that export shipments should bear appropriate caution labels.

Please advise if I may be of further assistance.

W.P.S. Breese

cc: F.L. Pundsack - Research & Engineering Center
L. Sorrentino - J-M Intl., New York
J.L. Fischer - J-M Intl., New York

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JAN -- 1972

F. L. PUNDSACK