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Union Carbide Corporation

INTERNAL CORRESPONDENCE

PLAINTIFF'S EXHIBIT
Union Carbide 415

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METALS DIVISION

P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Messrs. R. E. Byrne, Jr.
Division J. L. Myers
Location W. C. Thurber

Date July 25, 1977

Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to Messrs. C. R. Allenbach
T. W. Carmody
J. F. Collins
R. F. X. Fusaro
File

Subject State Regulatory Activities Regarding Asbestos - New Jersey and Connecticut

This letter reports on recent regulatory activities affecting asbestos in the two states noted above. In essence, New Jersey has backed off from the complete ban on the spraying of asbestos-containing materials to a ban on the spraying of friable asbestos materials containing more than 0.25% by weight asbestos. On this basis, the spraying of roof-coatings, paints and similar materials of interest to Union Carbide is still permitted.

A copy of the new regulations is attached for your information. It is likely that these provisions will hold until Federal EPA acts on the same subject and then, if EPA is more restrictive, New Jersey will follow. Our information is that it is likely that the Federal Regulations will be more restrictive. It should also be noted that Union Carbide, acting in the name of the AIA/NA made an important contribution towards this workable regulation.

The situation in Connecticut is not as good. The following new laws have been enacted, effective October 1, 1977: (Copies attached.)

1. Public Act No. 77-445: The Labor Commissioner is given wide powers to require the employer to make available at the employer's expense, certain medical testing for employees.

2. Public Act No. 77-107: The employer is required to provide a place of employment which is free from recognized serious hazards. There is no "insofar as is practicable" limitation made here as with the Federal OSHA Regulations. The employer must also, on written request, inform the employee of any hazardous or toxic substances that he may encounter on his job.

3. Public Act No. 77-398: This covers detailed annual registration of users and producers of carcinogenic substances including waste disposal.

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[redacted]

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We have no information on how No. 77-107 will be interpreted or implemented. Regulations to implement No. 77-398 will be worked up by Dr. John Lewis, Director of the Division of Preventable Disease, Connecticut State Department of Health. Due to press of other matters neither the AIA/NA or Union Carbide was active in Connecticut regarding these laws. I will try to encourage John Marsh to take action to keep the registration requirements realistic, but am not overly optimistic. AIA/NA action will also be explored.

H. B. Rhodes

H. B. Rhodes

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NEW JERSEY ADMINISTRATIVE CODE

TITLE 7, CHAPTER 27

SUBCHAPTER 17

CONTROL AND PROHIBITION OF AIR POLLUTION FROM ASBESTOS SURFACE COATINGS

Promulgated: June 13, 1977
Effective: August 15, 1977

7:27-17.1 Definitions

"Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

"Department" means the Department of Environmental Protection.

"Friable material" means any material which can be crumbled, pulverized, or reduced to powder by hand pressure.

7:27-17.2 General Requirements

No person shall cause, suffer, allow or permit surface coating by spraying on any building, structure, facility, installation or internal or external portion thereof, asbestos or friable material containing in excess of 0.25% (by weight) asbestos.

7:27-17.3 Tests

(a) Any person responsible for the manufacture, application or use of any coating, applied on or after the effective date of this Subchapter, which the Department, or any agent thereof, has reason to believe contains asbestos shall, when requested by the Department, conduct such tests as are necessary in the opinion of the Department to determine the presence and the amount and/or kinds of asbestos in the coating. Such tests shall be conducted in a manner approved by the Department and shall be made at the expense of the person responsible.

(b) The Department may waive the testing requirements of subsection (a) of this Section upon receipt of a materials specification report from the material manufacturer certifying that the asbestos content of the surface coating for which testing is required complies with the provisions of Section 17:2 of this Subchapter.

A10505

CONNECTICUT

Labor & Industrial Relations

(cap)

File 279,971 Substitute Senate Bill No. 876

signed 6.15.77

effective 10.1.77

PUBLIC ACT NO. 77-445

AN ACT CONCERNING OCCUPATIONAL DISEASE TESTING FOR CERTAIN EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(NEW) Each employer shall, when required by the labor commissioner, at his own expense, provide lung function tests to each of his employees who, in the course of his employment, comes into contact with chemicals, materials, gases or other substances which have been identified as toxic and hazardous under the Occupational Safety and Health Standards, Subpart Z, Code of Federal Regulations, Title 29, Chapter XVII. The tests to be required, their frequency and the standards of administration of such tests shall be prescribed by regulation by the labor commissioner, with the advice of a physician specializing in pulmonary disease. No employee shall be required to have a lung function test against his will.

Certified as correct by

_____
Legislative Commissioner.

_____
Clerk of the Senate.

_____
Clerk of the House.

Approved _____, 1977

_____
Governor.

A 10506

CONNECTICUT

Labor & Industrial Relations

signed 5-11-77

File 264

eff date 10-1-77

Substitute House Bill No. 5420

PUBLIC ACT NO. 77-107

AN ACT CONCERNING THE USE OF HAZARDOUS SUBSTANCES BY EMPLOYERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 31-370 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

(b) EACH EMPLOYER SHALL, UPON THE WRITTEN REQUEST OF ANY EMPLOYEE, FURNISH SUCH EMPLOYEE WITH A WRITTEN STATEMENT LISTING THE SUBSTANCES WHICH SUCH EMPLOYEE USES OR WITH WHICH SUCH EMPLOYEE COMES INTO CONTACT THAT HAVE BEEN IDENTIFIED AS TOXIC AND HAZARDOUS BY OCCUPATIONAL SAFETY AND HEALTH STANDARDS, UNDER TITLE 29 CFR 1910.1000 "AIR CONTAMINANT CODE OF FEDERAL REGULATIONS."

[(b)](c) Each employer shall comply with occupational safety and health standards promulgated under this chapter.

[(c)](d) Each employee shall comply with occupational safety and health standards and all regulations and orders issued pursuant to this chapter which are applicable to his own actions and conduct.

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Certified as correct by

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Legislative Commissioner

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Clerk of the Senate

Clerk of the House

Approved _____, 1977

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Governor

A 10507

File 401

effective 10-1-77

House Bill No. 5456

PUBLIC ACT NO. 77-398

AN ACT CONCERNING THE REGULATION OF CARCINOGENIC SUBSTANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) As used in this act, "carcinogenic substance" means: 2-Acetylaminofluorene, 4-Aminodiphenyl, Arsenic, Asbestos, Benzene, Benzidine, 3,3'-Dichlorobenzidine, 4-Dimethylaminoazobenzene, Beta-Napthylamine, 4-Nitrobiphenyl, N-Nitrosodimethylamine, Beta-Propiolactone, Bis (Chloromethyl) Ether, Chloromethyl Methyl ether, 4,4'-Methylene-Bis (2-Chloroaniline), Vinyl Chloride, and those substances identified by the commissioner of health in accordance with section 3 of this act.

Sec. 2. (NEW) Any person who uses or produces any carcinogenic substance in the manufacture of any item, product or material shall make an annual report to the commissioner of environmental protection and the commissioner of health which shall include: (A) The method of disposal of any waste generated by the manufacture of such item, product or material, (B) the amount of each such carcinogenic substance used or produced during the preceding year, (C) the amount of each such carcinogenic substance currently being held in inventory, and (D) the method used to transport such carcinogenic substances.

Sec. 3. The commissioner of health shall identify substances, including gases, chemicals, or metals, which are carcinogenic and said

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commissioner may promulgate regulations in accordance with chapter 54 of the general statutes to implement the provisions of this act.

Certified as correct by

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Legislative Commissioner.

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Clerk of the Senate.

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Clerk of the House.

Approved _____, 1977

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Governor.

A 10599

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