UC 149-2

VII.E.10

UNION CARBIDE

INTERNAL CORRESPONDENCE

MINING AND METALS DIVISION • P. O. BOX 579, NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. R. F. X. Fusaro
Division
Location

Date May 3, 1974
Originating Dept. "Calidria" Asbestos
Answering letter date

PLAINTIFF'S EXHIBIT UC-232

Copy to W. C. Thurber
J. L. Myers

Subject State of Minnesota Asbestos Act.

Dear Bob:

About 8 months ago we posed several questions concerning the above noted State regulations on asbestos. These were answered in your letter of August, 30 1973. (Copies of both are attached for reference.)

Recently the following question has been asked on the interpretation of this regulation:

1. An asbestos containing material is used during the construction, remodeling or improving of a building structure in the State of Minnesota but no asbestos dust eminates. Some years later, when the building is demolished asbestos dust eminates as a consequence of handling or cutting. Is the use of the particular asbestos containing material a violation of this act?

I can read both the Act and your answer of August 30, 1973 either way. A clarification on this point would be appreciated.

Very truly yours,

H. B. Rhodes
Area Manager
Marketing & Technology

HBR/mlv

RECEIVED
MAY 6 1974
UCC-CALIDRIA

A08784

UNION CARBIDE CORPORATION
270 PARK AVENUE, NEW YORK, N.Y. 10017
LAW DEPARTMENT

RECEIVED
UCC-CANCER

August 30, 1973

Dr. H. B. Rhodes
Mining and Metals Division
Niagara Falls, New York 14302

Re: Mining and Metals - State of Minnesota - Asbestos Act

Dear Dr. Rhodes:

This is in response to your recent letter concerning the above-captioned law. As you appreciate, the wording of the Act is very broad and is thus subject to many interpretations. However, I will attempt to answer some of your questions, as follows:

1. The law appears to apply only to the use of asbestos in constructing, remodeling or improving a building structure. If it applied to the manufacturing of building materials, I feel that the Act would specifically state that it applied to such application.

2. The word "structure" should not be taken to restrict those applications prohibited by the Act but only as a modifier of the word "building". Thus the Act applies not only to the use of asbestos on the superstructure of a building but to the use in connection with any aspect of constructing, remodeling or improving other parts of a building.

3. The law applies only if asbestos dust will eminate from use of product. This will include not only asbestos dust which will eminate from the use of asbestos in building construction but also from products containing asbestos which create dust containing asbestos, e.g. from cutting, sanding, fitting, etc.

If you have any further questions, I will be happy to discuss them with you.

Very truly yours,

Robert F. X. Fusaro

Robert F. X. Fusaro

RFXF:jw
cc: R.E. Byrne, Jr., J. L. Myers, W.C. Thurber
P.J. Morgan/File

A08785

AN ACT

a. No person, corporation, partnership, joint venture, firm or association

b. shall use sell, deliver or receive, or contract to use, sell, deliver or receive

c. powdered asbestos

in powdered form or mixed with any other substance

d. and to be applied

with a pressure spray
or in its molded form

IF

e. asbestos dust will emanate from it due to

handling
mixing or
cutting

FOR PURPOSES OF

f. constructing, remodeling, or improving

g. any building structure in this state.

COMMENTS AND QUESTIONS

a. Seems virtually all inclusive.

b. Seems virtually all inclusive.

c. Covers powdered asbestos itself or mixed with any other substance. This would seem to include powdered asbestos mixed with water and/or a resin binder.

Pelletized asbestos is not powdered asbestos or mixed with a binder. This could be clean. Generally contains some broken pellets, however.

d. Does "applied in its molded form" mean that it must be in the molded form when applied? Would it apply to a "mud" which is trowelled on?

Note that both c and d must occur for the regulations to apply.

e. Asbestos dust must be generation for the regulation to apply. "Asbestos dust" is not defined. Bound fiber or free asbestos only covered?

f. Would painting be considered as construction, remodeling, or improving?

g. Obviously limited to building structures in the state of Minnesota. Is there any particular significance in the use of the words building structure instead of just building? If this means just the structural portion of this building as opposed to the non-weight bearing walls, it has a crucial bearing on the type of products covered.

A08786

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Union Carbide trial exhibit UC-232: H. B. Rhodes to R. F. X. Fusaro on the State of Minnesota Asbestos Act, with F...
ACL Doc 15490 · Page 3 of 3