PLAINTIFF'S EXHIBIT UC-1037

cc: WCT HBR

GRACE

Grace GmbH 6520 Worms/Rh. Postfach 449 In der Hollerhecke 1

To: R. Peest - Bad Homburg

Date: April 10, 1975
SA/als

Worms
Intercompany
Correspondence

From: S. Algieri - Worms

Your Letter:

cc: A. Dambach - Lausanne
G. Hühner - Bad Homburg
Mr. J. Myers - UCC
H. Schäffer - Bad Homburg
R. Sobottka - Worms
D. Steed - Worms
H. Villiger - Worms
P. Zschunke - Worms

Subject: Telephone Conversation with Dr. Schütz, Staubforschungsinstitut, Bonn

RECEIVED
APR 14 1975
UCC-CALIDRIA

Since H. W. Schäffer had pre-announced my call and, probably, Dr. Wiese of BASF had already called him he had prepared himself.

He told me quite clearly that:

1. The problem of dust particles which contain asbestos embedded in them (but not free) was considered by the commission who prepared the "Unfallverhütungsvorschrift VBG 119". They decided that there was not enough medical evidence on this subject and therefore, to be on the safe side, they would consider every asbestos-containing dust, whether free or bound, to come under the provisions of the "Unfallverhütungsvorschrift". The Staubforschungsinstitut cannot change that. They cannot release any exceptions to the general obligation of the notification.

   This interpretation can be changed only if new medical evidence is generated, clearly a long-term process.

2. What the Staubforschungsinstitut can do for us is to analyse samples of the dust in question in order to characterize it. This could serve as a basis of judgement for the local Berufsgenossenschaft when called to examine the situation in a given plant. It will not bring a general change in the interpretation of the rules.

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WKG KUCHTlach,
Not G.S.

TRANSLATION

BASF AKTIENGESELLSCHAFT

Grace Europe
Attn.: Dr. Michael Goodman
Vice President
P.O. Box 1246
C H 1002 Lausanne

March 4, 1975

Subject: SYLODEX (R) 24

Gentlemen,

we refer to conversations and correspondence we had with your Dr. Deer and Mr. Schäffer of Grace GmbH., Bad Homburg, regarding the industrial use of the aforementioned thixotropy compound.

The question of asbestos dust as health hazard was also raised in connection with using SYLODEX 24 to thixotropize Palatal (trademark of the BASF UP resin). Upon inquiries from our side we were informed of the test results of the Asbestos Research Council in London. The tests revealed that, at least when the thixotropying compound is poured into other containers, no hazardous amounts of dust occur.

We pointed out that this does not yet guarantee that workers handling SYLODEX are not endangered when working on finished parts or doing repair work, particularly in view to the fact that dust occurs in relatively great amounts while cutting and sawing GF-UP. We further explained that the resin content of the dust particles which enter th human organism by breathing them in is gradually reabsorbed, leaving free asbestos fibres as remainder. Another test, also conducted by the Asbestos Research Council, which revealed that polishing dust contains practically no free asbestos, cannot hide this fact.

With regard to our doubts in this respect we have asked for a certificate by the "Staubforschungsinstitut beim Hauptverband der gewerblichen Berufsgenossenschaften, Bonn". The certificate should state that the dust of UP-resin-forming compound which is thixotropized with SYLODEX is dust which is no health hazard according to Accident Prevention Regulation No. 2. Sofar, Grace GmbH. Bad Homburg has not furnished this evidence and we, therefore, can still not take the responsibility for the use of this product, which seems to be technically interesting.

We see it as our duty to advise our customers of the danger involved since we have learned, meanwhile, that some of them use Palatal-products which contain SYLODEX. We trust you will understand this action.

We are planning to send a circular letter to our customers, Before doing so we would like to ask whether you have more recent information on this subject. Eventually you can already prove by tests recently conducted that inhalation of sawing dust containing SYLODEX is not as dangerous as we see it.

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Awaiting your early reply, we remain

very truly yours