Carbide ASBESTOS

UNION CARBIDE CORPORATION · METALS DIVISION · P. O. BOX 579 · NIAGARA FALLS, N.Y. 14302 · TEL: 716-278-3376

August 8, 1977

PLAINTIFF'S EXHIBIT
UC-1315

American Polytherm Company
P. O. Box 38619
Sacramento, CA 95838

Gentlemen:

Re: ASBESTOS - Which Has Not Been Banned or Further Regulated.

This letter is to provide you with information concerning the State of California's well-publicized Occupational Cancer Control Act. The reporting provisions of the Act have been added as Subsection (1) of the asbestos standards, Section 5208 of the General Industry Safety Orders. Enclosed with this letter is a Union Carbide Corporation-typed version of the California asbestos standards, including the new Subsection on Reporting. This copy is accurate but not official.

Reporting is simple and may be your only compliance requirement. Forms are available from the State but you can complete your obligation by sending the following information to the Division of Industrial Safety, 455 Golden Gate Avenue, San Francisco (94102):

1. Employer name and address.

2 Brief description of how you use asbestos.

3. Total number of employees who work with asbestos or who may be exposed to it.

4. The asbestos-containing products being manufactured.

5. The name and address of your collective bargaining representative or other representative of your employees.

The above information must be sent by September 1, 1977 or you face a $500 fine for failure to report. There is no reporting fee.

You should carefully read the entire asbestos standard and the new Subsection, but we would like to call your attention to (1)(3), "Incidents." A broken bag would provide the highest potential for exposure to asbestos fibers in excess of the limits. Please note the phrase "unprotected by an appropriate respirator." If you have an "incident," you should provide respirators for cleanup employees.

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The final paragraph (4) of the new Subsection requires the posting of your report in a conspicuous place.

There is no cause for alarm because of this new requirement. The State is not attempting to prohibit the use of asbestos nor penalize you for using it. Their goal is to prevent on-the-job cancer and they are most willing to assist you, as we are, in keeping airborne asbestos fibers to a minimum. They recognize that asbestos is a valuable and necessary ingredient in many products and that it cannot be substituted for in most applications without a loss in product performance or at a financial disadvantage.

We have been very active in the State's development of effective, yet practical, asbestos standards. If you require air monitoring or assistance in complying with the standards, please contact: Mr. T. P. Norris, Union Carbide Corporation, Metals Division, 100 Oceangate, Long Beach, CA 90802, telephone 213-435-3721.

As part of their education program, the State offers a penalty-free no-charge information service. If you want information from them, contact one of the following offices and ask for consultative assistance:

In Northern California

State Department of Health
Occupational Cancer Control Unit
2151 Berkley Way
Berkeley, CA 94704
(415) 843-7900, Ext. 306

In Southern California

State Department of Health
Occupational Cancer Control Unit
1449 W. Temple Street
Los Angeles, CA 90026
(213) 620-4290

In the next few weeks, you may receive a letter from the State which outlines your responsibilities as a user of asbestos. A similar letter has already been sent to possible users of the other substances covered by the Occupational Cancer Control Act. We have not supplied your name or a mailing list of any kind, nor has the State requested one. Their mailing list is being prepared from SIC listings and other State records.

The purpose of this letter is to advise our highly-valued customers of regulations and other government activities which may effect their business. Please feel free to contact us if you have any questions or require assistance in this regard.

Very truly yours,

R. E. Byrne, Jr.
Assistant Marketing Manager

REB:cjb
Enclosure

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TYPED BY UNION CARBIDE CORPORATION
ACCURATE BUT NOT OFFICIAL

STATE OF CALIFORNIA

TITLE 8 DIVISION OF INDUSTRIAL SAFETY
GENERAL INDUSTRY SAFETY ORDERS
(Register 76, No. 27—7-3-76)

5208. Asbestos. (a) The 8-hour time-weighted average concentration of airborne asbestos fibers to which any employee may be exposed shall not exceed 2 fibers, longer than 5 micrometers, per cubic centimeter of air as determined by the membrane filter method using phase contrast illumination and 400 to 450X magnification. The ceiling or short time concentration to which employees are exposed shall not exceed 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

(b) Engineering Controls. Controls such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection shall be used to meet the exposure limits in Section 5208 (a). All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of such limit shall be provided with local exhaust ventilation systems. The American National Standards Institute Z9.2-1971 Standard Governing the Design and Operation of Local Exhaust Systems shall be used as a guide to design, construct, install, and maintain exhaust ventilation and dust collection systems.

(c) Work Practices. Asbestos shall be mixed, handled, applied, removed, cut, or otherwise worked wet insofar as practicable. Asbestos spills shall be cleaned up promptly. Asbestos-containing cement, mortar, coating, grout, plaster, or similar material shall not be removed from bags, cartons, or other containers without being wetted, unless it is enclosed and/or ventilated to effectively control airborne fibers as specified in Section 5208 (a). Asbestos waste, scrap, debris and asbestos contaminated materials consigned for disposal shall be collected and disposed in sealed impermeable bags or containers.

(d) Respiratory Protective Equipment. When engineering controls and wet handling methods are not feasible or are incapable of controlling the concentration or in an emergency, respiratory protection shall be provided and worn in accordance with provisions of Section 5144 and the following requirements:

(1) Reusable or single-use air filtering respirators shall be used when the concentration exceeds the levels specified in Section 5208 (a), but may not be used when the concentration may reasonably be expected to exceed 10 times the limit.

(2) Powered air filtering respirators may be worn for lower concentrations, but shall be worn when the asbestos fiber concentration is reasonably expected to exceed 10 times, but not 100 times the limit in Section 5208 (a).

(3) Continuous flow or pressure demand air-line respirators or self-contained breathing apparatus may be worn for lower concentrations, but shall be worn when the asbestos fiber concentration is reasonably expected to exceed 100 times the limit in Section 5208 (a).

(4) No employee shall be assigned to tasks requiring the use of respirators if based on his most recent examination an examining physician determines that the employee will be unable to function normally wearing a respirator or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to an equivalent job whose duties he is able to perform, if such a position is available.

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(e) Change Rooms and Special Clothing.

(1) The employer shall provide and require the use of special clothing such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in Section 5208 (a).

(2) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a), the employer shall provide change rooms for employees working regularly at the place, and shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employees' street clothes from his work clothes.

(f) Laundering.

(1) Laundering of asbestos-contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a).

(2) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in Section 5208 (f)(1) to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a).

(3) Contaminated clothing shall be transported in sealed impermeable bags or other closed, impermeable containers, and labeled in accordance with Section 5208 (i).

(g) Monitoring and Record Keeping.

(1) Monitoring. (Revision adopted 11/1/76)

(A) The employer shall sample the air and determine the concentration of asbestos fibers within the breathing zone of employees whose exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter due to work assignment(s) at or near operations with asbestos or asbestos-containing products which result in the release of asbestos fibers.

(B) Following any change in control, process, or production method which may alter the airborne concentration of asbestos, the employer shall monitor the level of any employee's exposure which may have been affected by such change.

(C) Monitoring shall be repeated at least once every 6 months where exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

(D) The sampling of airborne asbestos required by this paragraph shall be performed in a manner which will assure a reasonably accurate determination and shall be made without regard to employee use of respiratory protective equipment.

(E) All determinations of airborne concentrations of asbestos fibers performed under requirements of this section shall use the membrane filter method with phase contrast illumination, 400 to 450X magnification, and 4 millimeter objective.

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