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UNION CARBIDE

Carbide ASBESTOS

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

August 8, 1977

Able Stik Laboratory
833 W. 182nd Street
Gardena, CA 90247

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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PLAINTIFF'S EXHIBIT
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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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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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(2) Record Keeping. Every employer shall maintain records of any personal or environmental monitoring required by this subsection. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Chief of the Division of Industrial Safety, the Director of the State Department of Health, and to authorized representatives of either. Upon written request of an employee, a former employee, or an employee representative of either, the employer shall furnish the monitoring record of that employee or former employee. In the event the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare, and each employee shall be notified in writing of this transfer.

(h) Caution Signs.

(1) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in Section 5208 (a). Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(2) Sign Specifications. The warning signs required by subparagraph (h)(1) shall conform to the requirements of format signs specified in Section 6003 (d)(4) of the General Industry Safety Orders and to this subparagraph. The signs shall display the following legend in the lower panel, with the letter sizes and styles of a visibility at least equal to that specified in this subparagraph.

Legend	Notation
Asbestos	1" Sans Serif, Gothic or Block
Dust Hazard	¾" Sans Serif, Gothic or Block
Avoid Breathing Dust	¼" Gothic
Wear Assigned Protective Equipment	¼" Gothic
Do Not Remain In Area Unless Your Work Requires It	¼" Gothic
Breathing Asbestos Dust May Be Hazardous To Your Health	14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(i) Caution Labels.

(1) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in Section 5208 (a) will be released. For large outdoor storage such as mine ore tailings piles, labeling shall not be required if properly posted.

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(2) Label Specifications. Caution labels required by this subsection shall be conspicuous and legible and shall contain the following or equivalent warning:

CAUTION
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

(j) Medical Examinations. (Revision adopted 11/1/76)

(1) The employer shall provide or make available at no cost to the employee a comprehensive preplacement medical examination by a licensed physician for each employee engaged in an occupation where exposure to airborne asbestos, without regard to the use of respiratory protective equipment, has been determined to exceed, or may be reasonably expected to 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.

The examination shall be provided or made available within 30 calendar days of an employee's initial assignment to such occupation and shall include as a minimum a 14-inch by 17-inch chest X-ray (posterior-anterior), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second ($FEV_{1.0}$).

(2) At least annually every employer shall provide or make available at no cost to the employee a medical examination to employees as specified in paragraph (j)(1). The employer shall provide or make available, within 30 days of termination of employment of any employee exposed to airborne asbestos, a medical examination as specified in paragraph (j)(1), if such examination has not been taken within the previous year of termination.

NOTE: Pursuant to authority granted by Labor Code Section 6305(b), the Division, upon the advice of the Department of Health, may require an employer to make additional diagnostic test(s) available during medical examinations performed under the provisions of this paragraph when a preponderance of evidence indicates the advisability of such supplemental testing.

(3) Records shall be kept of medical examinations required by this subsection for each employee; such records shall be maintained by the employer for at least 30 years. Access to records of medical examinations required by this subsection shall be made available for inspection and copying to the Division of Industrial Safety, the Department of Health, and to authorized physicians or medical consultants of either of them. Upon written request of an employee or former employee, the employer shall provide a copy of the medical examination record to the employee's or former employee's physician. Any physician who conducts a medical examination required by this subsection shall furnish the employer of the examined employee or former employee all the information required by this subsection and any other medical information related to occupational exposure to asbestos.

(k) Employee Notification. (New section adopted 11/1/76)

Any employee found to have been exposed to asbestos fibers in excess of either of the permissible limits prescribed by subsection (a) shall be notified in writing of the exposure within 5 days of the finding. The individuals so exposed shall also be notified of the corrective action, in compliance with subsections (b), (c), (d), (e) and (f) being taken by the employer.

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(l) Reports of Use. (New section adopted 5/26/77)

Not later than September 1, 1977, employers shall report the information required by Subsection (l)(2) to the Chief of the Division of Industrial Safety, 455 Golden Gate Avenue, San Francisco, California 94102. After September 1, 1977, the information required by Subsection (l)(2) shall be reported prior to the commencement of any new, unreported operation or process covered by these Orders.

NOTE: It is not intended that each activity listed in paragraph (l)(l) involving asbestos or asbestos-containing products be reported upon each use or activity. Anticipated present and future use reported initially is sufficient to comply with this Section.

(l) Operations and Processes Requiring Reporting.

(A) Any use, handling, disposal, processing, manufacturing, packaging or repackaging of asbestos or asbestos-containing products which require labeling by Subsection (i) of this section.

(B) Brake repair and clutch repair operations where asbestos-containing frictional materials are processed in a manner which may produce airborne asbestos fibers, such as; grinding, sanding, drilling, brake shoe arcing and beveling, or removing asbestos-containing dust with compressed air. Automotive repair facilities which are registered with the State Bureau of Automotive Repairs meet the registration requirements of this subparagraph, but are not otherwise exempt from this Section.

(C) Maintenance, construction, repair, renovation, demolition or salvage activities in which any materials containing more than 1% asbestos (dry weight) are sanded, ground, abrasive blasted, sawed, cut, shoveled, removed, or otherwise handled in such a manner that asbestos dust would be raised.

(D) Any other use where employee exposure exceeds the concentrations of airborne fibers given in Subsection (a).

NOTE: The ordinary use, handling, or installation of products which do not require labeling under Subsection (i) are exempt from the reporting requirements. Examples of non-labeled products include but are not limited to, vinyl-asbestos floor tile, resilient sheet flooring, packings and gaskets, fibrated asphalt coatings and coated asbestos cloth.

Operations such as retail, wholesale, warehousing, transportation or distribution of products requiring labeling are exempt from reporting requirements providing; such products are handled or stored in sealed or unbroken containers.

(2) Reporting Requirements.

(A) The name of the employer and the address(es) of the place(s) of employment.

Where there are multiple locations where employees may be exposed to asbestos-containing materials infrequently (such as public utility vaults), the employer may provide a general description of such potential exposures and the nature and type of such locations in lieu of identifying each separate location.

(B) A brief description of the way(s) in which the asbestos or asbestos-containing product(s) are to be processed, handled, used or transported.

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(C) The estimated number of employees potentially exposed.

(D) The asbestos-containing product(s) being used or manufactured or the type(s) of structure(s) being constructed, demolished or repaired.

(E) The names and addresses of any collective bargaining representatives or other representatives of the affected employees.

(F) Employers with temporary jobsites, such as construction or demolition need register with the Division only once. Such registration is valid only on condition that the work is performed by the same employer and that prior to the commencement of each work when known in advance, the employer notifies the appropriate District Office by telegram, letter, or a telephone call which shall be confirmed in writing indicating the location and commencement of the activity.

(3) Incidents. Any incident, accident or emergency resulting in a known exposure of an employee, unprotected by an appropriate respirator, to asbestos fibers in excess of the limits prescribed by Section 5208(a), shall be reported in writing to the Chief of the Division of Industrial Safety within 15 days of the incident. The report shall include the following information:

(A) The number of employees over-exposed.

(B) The circumstances surrounding the over-exposure, including the process, operation or job involved.

(C) The results of any environment analyses done to monitor employee exposure or to define the hazard.

(D) The steps taken, or being taken to prevent a recurrence or to avoid future over-exposures.

(E) The product being manufactured or the type of sturcture being repaired, constructed or demolished.

(4) Posting. A copy of each report required by this Subsection shall be posted by the employer in the location or locations where asbestos is used, or where other notices are normally posted, which shall be conspicuous to affected employees.

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