PLAINTIFF'S EXHIBIT

UC-1783

LAW

UNION CARBIDE

INTERNAL CORRESPONDENCE

UNION CARBIDE CORPORATION

CHEMICALS AND PLASTICS

P. O. BOX 3370, BROWNSVILLE, TEXAS 78520

To (Name) Mr. W. W. McManus
Company Mr. R. C. Glock
Location

Date July 20, 1978
Originating Dept.
Answering letter date
Subject Monitoring of Contract Personnel

Copy to Mr. K. G. Townsend
Mr. B. F. Brown

Gentlemen:

Jim Murray and Joe Triplett made the following comments regarding dealing with contractor employee exposure:

1. UCC should have Industrial Hygiene service on site on a routine basis.

2. We should provide IH monitoring data to contractor but not his employees. Protecting the employee is the employer's responsibility. (John Whittlesey will issue a letter soon).

3. Industrial Hygiene Surveys - Tell the contractor "Don't put total confidence in results but check them yourself". When IH survey is done gratuitously, we can limit liability since we did not contract with him. Inform contractor that he should not put total confidence in these results but use them as a guide.

4. Where contractor's employees are in our plant OSHA jurisdiction doesn't apply in third party liability suits. However,

   a. Liability is limited to employer for Workman's Compensation which is small.

   b. UCC (Big Pocket) would then be sued because we operate the plant and could have caused exposure. (NOTE: This also applies to contract cleaning firms, demolition, etc.)

BRF 0288

5. It might be prudent to monitor contract employees but you assume responsibility to get people out of an area of high exposure and therefore might assume liability.

6. When using an independent contractor you can't be relieved of liability if something dangerous happens. Try to prevent an accident, if possible. The courts will look favorably.

In summary, I'd advise calling a lawyer in any unique situation.

Very truly yours,

L. T. Windel

LTW/gr

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