UC 149-2

PLAINTIFF'S EXHIBIT

UC-2963

UNION CARBIDE

INTERNAL CORRESPONDENCE

METALS DIVISION • P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 143

To (Name) Mr. J. L. Myers
Division UCC - Metals
Location Niagara Falls, New York

Date November 8, 1979
Originating Dept. "Calidria" Asbestos
Answering letter date

Copy to Messrs.
T. W. Carmody (w/attach.)
T. D. Finnigan "
R. F. X. Fusaro/J.J. Sibley "
R. W. Rebholz "
J. W. Whittlesey "

Subject AIA/NA Response to EPA's Advanced Notice of Proposed Rulemaking on Asbestos-Containing Materials in Schools

Attached is the AIA/NA response to the above-noted ANPRM. This response was largely developed by the law firm of Kirkland and Ellis, who have been retained by the AIA/NA as special counsel for regulatory matters.

As you are all aware, Union Carbide has never supplied product for the kind of friable, generally sprayed, products of primary concern in this rulemaking. Substantial amounts of our asbestos have, however, been used as a minor ingredient in certain types of mineral wool board used in ceilings and in sprayed, non-friable, decorative coatings.

Our principal concern in the present rulemaking is the introduction of the principle of retroactive industry guilt by association that has been proposed by the EDF petition. This principle has implications far beyond asbestos to any product which is judged to be toxic and could, therefore, if established have a massive impact on Union Carbide.

In my opinion, Kirkland and Ellis have done a very capable job in addressing this issue but there are some points regarding the tone and organization of the presentation that make me a little uneasy. Although it is too late to change this response, K&E will be very much involved over the next two months preparing responses to the EPA and CPSC ANPRM's regarding new general asbestos regulations. Any comments you feel worth making on the present document would be appreciated.

H. B. Rhodes

Harrison B. Rhodes

/rmm
Attachment

A20211

UCC 016379

Union Carbide trial exhibit UC-2963: Harrison B. Rhodes to J. L. Myers on the AIA/NA Response to EPA's Notice on… Published by AsbestosClaims.Law
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