PLAINTIFF'S EXHIBIT

UC-3006

UNION CARBIDE CORPORATION
Corporate Communications Department

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RECEIVED
NOV 3 1983
R. F. WOLFF

MEMORANDUM

TO: S.L. Baye
W.F. McClure
R.F. Wolff

November 3, 1983

CC: A.S. Hart
J.W. Goetz
R. Leviton

FROM: Ed Van Den Ameele

SUBJECT: Statement for Approval re OSHA Asbestos Standard

Following, for Law Department and Metals Division approvals, is a statement prepared by John Meyers at King City to respond to press queries re the temporary standard on asbestos filed yesterday by OSHA:

"We do not expect any ~~short term~~ significant adverse effects on our operations in California nor on the operations of most of our customers. We do not oppose a review of the asbestos standard through normal rulemaking procedures, but we feel that the issuance of an emergency temporary standard is unnecessary and inappropriate at this time.

"We are not aware of any scientific proof that the current permissible exposure level of 2 fibers per cc is unsafe, especially for chrysotile asbestos. However, it is prudent to reduce exposures below this level to the extent feasible.

"Normal rulemaking procedures would provide ~~an excellent~~ the appropriate forum for discussing the many complex issues surrounding the asbestos issue: health effects, monitoring limitations, risk assessment, technical feasibility, fiber type, industrial process, etc. The hearings should attract world experts and ~~result in a reasonable and permanent solution acceptable to all parties.~~

"We understand that the emergency temporary standard consists of some 200 pages. We may have additional comments after reviewing the document in its entirety."

The Asbestos Information Association has already responded to media queries from USA TODAY, THE WALL STREET JOURNAL and BUSINESS WEEK. There was a short item on CBS-TV News this morning and also the attached front page story in today's NEW YORK TIMES. Since views from individual companies will undoubtedly also be sought by the press, would appreciate a call (Ext. 6985) with your approval as soon as possible. Many thanks.

EWV/m

UCC 001130

AY, NOVEMBER 3, 1983—
NY TIMES

EMERGENCY RULING SET BY JOB AGENCY ON ASBESTOS PERIL

'Grave Danger' to 375,000 Is Cited as Permissible Level of Exposure Is Cut 75%

By The Associated Press

WASHINGTON, Nov. 2 — The Labor Department, warning that 375,000 workers faced "grave danger," issued an emergency standard today that slashes by 75 percent the permissible exposure to asbestos fibers by employees in the manufacturing, construction and maritime industries.

An agency of the department, the Occupational Safety and Health Administration, put out an Emergency Temporary Standard lowering the legal asbestos exposure level over an eight-hour day from 2 fibers a cubic centimeter of air to half a fiber.

The emergency rule, the first by the Reagan Administration, is enforceable immediately upon publication in the Federal Register. A spokesman, Douglas Clark, said the agency hoped that would occur Friday.

Agency Risk Assessments

In announcing the action, Labor Secretary Raymond J. Donovan said the job safety agency's risk assessment predicted "three excess cancer deaths per 1,000 workers exposed for one year at the current permissible exposure level."

Those studies also showed "risk of grave danger" to people who have even short-term asbestos exposure, the agency said, adding that the mortality rate was 53 times higher for smokers who are exposed to asbestos.

Such studies indicate that lowering the asbestos level to half a fiber a cubic centimeter of air will "save many lives," the agency said.

Cancer and Lung Disease Link

Asbestos, a fibrous mineral widely used as a fire retardant in buildings and reinforcement in concrete pipes, has been shown to cause cancer and debilitating lung diseases.

Unions representing workers in construction and manufacturing industries had been pressing the Administration to take such emergency action. An asbestos health standard has been on the books since 1972, not long after the Occupational Safety and Health Administration was created, but has remained unchanged since 1976.

Under Government procedures, the job safety agency must propose a permanent asbestos standard and seek public comment on it within 60 days of publication of the emergency rule.

The agency administrator, Thorne G. Auchter, said last April that he was speeding OSHA's work on tightening the existing asbestos standard. In a let-

Continued on Page B13, Column 1

Stiff Job Rule on Asbestos Set

Continued From Page A1

ter to Sheldon Samuels, director of health and safety of the Industrial Union Department of the American Federation of Labor and Congress of Industrial Organizations, Mr. Auchter said, "Personally, I am very concerned about the asbestos problem."

He said at the time that the agency planned to issue new rules by June 1984.

Mr. Samuels said he was pleased by the agency's move against asbestos, but added: "The real test is whether they have put into place the enforcement mechanism. It's the quality, rather than the quantity, of enforcement."

Mr. Samuels also said, "I want to see 200 hygienists out there" inspecting work sites immediately.

He said he was "withholding judgment" on the meaning of OSHA's action until he learned more about how the agency planned to bring about compliance with the regulation.

Thousands of Lawsuits

Three large asbestos concerns, the Manville Corporation, UNR Industries Inc. and the Amatex Corporation, have filed for bankruptcy law protection in the face of thousands of lawsuits by former workers who claim they contracted respiratory problems as a result of their jobs.

Issuance of the emergency standard was spurred in part by increasing concern about the exposure of construction industry workers to asbestos at work sites where buildings were being demolished. The agency said in October that it was stepping up Government inspections of these sites.

The emergency standard also requires that employers train their workers in the handling of asbestos.

The standard permits wide flexibility on how companies achieve the lower exposure levels. Such methods include removing fibers from workplace sites with suction equipment, reorganizing work practices and furnishing respirators to workers.

Unions contend that strict engineering controls are the best solution to the problem.

Mr. Donovan noted, however, that the Occupational Safety and Health Act required that such health standards call for corrective measures that are "clearly feasible" to industry. Similar standards have been successfully challenged in court by industry.

"That is why the decision to issue an E.T.S. was made only after careful deliberation within the department and detailed review of our work outside the department by experts from the public and private sector scientific communities," the Labor Secretary said.

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WSJ 4/5

New Rule Limiting Asbestos Exposure Is Issued by OSHA

By JOANN S. LUBLIN
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—In a step rarely taken, the Labor Department placed immediate tougher limits on occupational exposure to asbestos, which has been linked to fatal diseases.

The department's Occupational Safety and Health Administration issued an emergency temporary standard that sets maximum workplace exposure for asbestos at 500,000 fibers per cubic meter of air. The current level, set in 1972, is two million fibers per cubic meter. The temporary rule, sought by 14 unions, takes effect Friday and remains in effect for six months while the job-safety agency decides whether to make the tougher standard permanent.

This marks the first time OSHA has issued an emergency temporary standard since 1978. The asbestos industry is expected to challenge the ruling in federal court. Although unions won the desired emergency ruling, they remain unhappy with OSHA because they wanted even more stringent new limits and fear the agency won't step up its enforcement efforts.

The emergency rule reflects new scientific evidence linking low-level exposure of asbestos to asbestosis, a lung disease, and mesothelioma, a cancer of the lining of the lungs. An OSHA analysis found 50,000 workers in the U.S. are exposed to between 500,000 and two million fibers per cubic meter of air, averaged over an eight-hour day.

"That really is the basis" for the emergency rule, said Patrick Tyson, OSHA's deputy chief. "We had to demonstrate that there are a number of workers at risk."

The agency believes the new exposure limit may prevent 200 of those employees from dying from cancer, Mr. Tyson added.

OSHA has agonized for months about whether to issue the emergency ruling, because of its poor track record with such steps in the past. Industry groups have sued the job-safety agency over five of the eight emergency standards issued since the agency's inception in 1971. Only one of those five rulings has been fully upheld by the courts, a standard limiting exposure to acrylonitrile, a chemical widely used to make synthetic rubber, plastics and other products that has been linked to cancer.

Wincorp Dissidents Got

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