PLAINTIFF'S EXHIBIT

UC-3334

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

July 30, 1979

To: "Calidria" Asbestos Customers

New Department of Transportation regulations affecting the packaging and transportation of asbestos in the United States become effective on August 20, 1979. Enclosed are copies of the original rules published in the Federal Register on December 4, 1978 and revisions published on March 29, 1979.

We intend to comply with these regulations and are advising our distributors and warehouses of their responsibilities. You should take particular note of §174.840 and 177.844 which read essentially the same, as follows:

> Asbestos must be loaded, handled, and unloaded, and any asbestos contamination of rail cars (transport vehicles) removed, in a manner that will minimize occupational exposure to airborne asbestos particles released incident to transportation.

If you re-ship asbestos or must return purchased material, you should review §173.1090(d). With regard to the shipment of your products which contain asbestos, following is the complete text of §173.1090(c):

> "Asbestos which is immersed or fixed in a natural or artificial binder material (such as cement, plastic, asphalt, resins or mineral ore) and manufactured products containing asbestos or any materials or products whose commercial value is not dependent on their asbestos content, are not subject to the requirements of this subchapter."

You may wish to review the enclosed regulations with your attorneys in order to be fully advised of your responsibilities thereunder. Please note that this mailing concerns only those recently adopted Department of Transportation regulations which pertain to asbestos and not to any other products or materials that may be supplied to you by Union Carbide.

We presume that you will comply fully with the enclosed regulations and other pertinent rules in Title 49 of the Code of Federal Regulations.

Very truly yours,

John L. Myers

John L. Myers
Marketing Manager

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July 30, 1979

To: "Calidria" Asbestos Distributors and Warehouses

New Department of Transportation (DOT) regulations affecting the packaging and transportation of asbestos in the United States become effective on August 20, 1979.

Enclosed are copies of the original rules published in the Federal Register on 12/4/78 and the revisions published 3/29/79. You should review in particular the following provision:

§173.1090(d) Commercial asbestos must be offered for transportation and transported in -

(1) Rigid, airtight packagings such as metal or fiber drums, portable tanks;

(2) Bags or other non-rigid packagings in closed freight containers, motor vehicles, or rail cars that are loaded by and for the exclusive use of the consignor and unloaded by the consignee; or

(3) Bags or other non-rigid packagings which are dust and sift proof and which are palletized and unitized by methods such as shrink wrapping in plastic film or wrapping in fiberboard secured by strapping.

We have begun to ship product to you that meets the provisions of sub-division (3) above. Please note that any shipment of bags which you make must comply with the provisions of sub-division (1), (2), or (3) above. We have petitioned the DOT to revise sub-division (3) to allow the use of fiberboard or wooden packaging as an alternate to palletizing and unitizing. If the DOT approves our petition, the "ASBESTOS ORM-C" marking must be on the exterior of the packaging. We will provide you with gummed labels to meet this requirement.

I assume that at least some of you have product in inventory which may not fully meet the new DOT requirements. If at all possible, such product should be shipped prior to August 20th. In our petition (copy attached), we have also requested that the new rules not be effective until October 1, 1979 for product initially shipped before August 20th. If this is allowed, you will have that much more time to move product not meeting the new requirements.

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During the next few weeks, we plan to make a complete survey of product in warehouse inventories to determine what must be done to comply with the new regulations. Your cooperation in this effort would be appreciated.

You should also take note of §174.840 and 177.844 which read essentially the same, as follows:

> Asbestos must be loaded, handled, and unloaded, and any asbestos contamination of rail cars (transport vehicles) removed, in a manner that will minimize occupational exposure to airborne asbestos particles released incident to transportation.

You may wish to review the attached regulations with your attorneys in order to be fully advised of your responsibilities thereunder. Please note that this mailing concerns only those recently adopted Department of Transportation regulations which pertain to asbestos and not to any other products or materials that may be supplied to you by Union Carbide.

We presume that you will comply fully with the enclosed regulations and other pertinent rules in Title 49 of the Code of Federal Regulations.

Very truly yours,

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Marketing Manager

/rmm

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