6/6/80

4.6.3

ACTION ALERT

NEW YORK STATE LEGISLATION

JUL 10 1980

PLAINTIFF'S EXHIBIT

UC-3501

To: H. B. Rhodes - Metals - Nia Falls

The attached New York State Legislation Bill Number A. 11129-A warning legend on products containing asbestos fiber has been introduced. Will you please let me have your opinion on our position by returning this form to me.

1. We are interested in this bill Yes ✓ No _____
2. Please keep me informed of the progress of this bill Yes ✓ No _____
3. We support this bill Yes _____ No ✓
4. We are opposed to this bill Yes ✓ No _____
5. We should actively work for this bill's passage Yes _____ No ✓
6. We should actively work against this bill's passage Yes ✓ No _____
7. Comments:

Basic Problems:

1. Asbestos labels are already required by OSHA and DOT. This would a third, New York State only, label.
2. Label would be required on all products regardless of the reasonable possibility of any significant asbestos release. OSHA & DOT have exceptions for this. Would create a whole new group of very low risk products that would have to be labelled.

Return this form to:

D. R. Ackerson
Manager-Public Affairs N.
Room 4571
Tarrytown

As we discussed, I will be glad to accompany you for discussions with appropriate people this Fall.

Regards,
Harris

c.c. J.L.H.

UCC 009057 [redacted]

Union Carbide trial exhibit UC-3501: D. R. Ackerson to H. B. Rhodes: Action Alert on New York Asbestos Warning L... Published by AsbestosClaims.Law
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STATE OF NEW YORK

11129—A

IN ASSEMBLY

March 25, 1980

Introduced by M. of A. SERRANO, DelTORO, HINCHEY—Multi-Sponsored by—M. of A. BARBARO, CONNOR, DIGGS, FARRELL, FERRIS, FINNERAN, GOTTFRIED, HARENBERG, JACOBS, JOHNSON, KEANE, KOPPELL, KREMER, LASHER, LEHNER, LIPSCHUTZ, G. W. MILLER, MONTANO, NADLER, NEWBURGER, NINE, ORAZIO, PESCE, PILLITTERE, PROUD, SANDERS, SIEGEL, SMOLER, STRELZIN, WEINSTEIN, YEVOLI, MARCHISELLI, E. C. SULLIVAN, GRANNIS, LAFAYETTE, VIGGIANO, SEMINERIO, P. M. SULLIVAN, NORTZ, D'AMATO, PAROLA, F. M. SULLIVAN—read once and referred to the Committee on Consumer Affairs and Protection—reported and referred to the Committee on Rules—Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the general business law, in relation to requiring a warning legend on products containing asbestos fiber

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new article thirty-nine to read as follows:

ARTICLE 39

LABELING OF ASBESTOS BEARING PRODUCTS

Section 850. Definitions.

851. Labeling of asbestos bearing products; warning legend.

852. Violations and penalties.

§ 850. Definitions. As used in this article, unless the context otherwise requires:

1. The term "asbestos" shall mean and include any naturally occurring hydrated mineral silicates separable into commercially usable fibers; specifically: chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite.

2. The term "person" shall mean any person, firm, partnership, association or corporation or agent or employee thereof.

3. The term "label" shall mean a display of written, printed, or graphic matter upon the immediate container of any substance or, in the

EXPLANATION—Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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UCC 009058

case of an article which is unpackaged or is not packaged in an immediate container intended or suitable for delivery to the ultimate consumer, a display of such matter directly upon the article involved or upon a tag or suitable material affixed thereto.

§ 851. Labeling of asbestos bearing products; warning legend. 1. No person shall distribute, sell or offer for sale or expose for sale in this state any merchandise containing asbestos on which the manufacturer or packer has failed to affix a conspicuous label warning of the health related dangers of the product. This requirement shall not be considered to be complied with unless such word, statement, or other information also appears (i) on the outside container or wrapper, if there be any, unless it is easily legible through the outside container or wrapper, and (ii) on all accompanying literature where there are directions for use, written or otherwise. Such warning, either printed or attached to said merchandise, shall be in a color in contrast with the product or the package containing the product, and shall contain the following statement:

"WARNING: CONTAINS ASBESTOS"

"Asbestos is known to cause certain respiratory diseases and may cause cancer. Avoid inhalation or prolonged contact with skin".

2. Subject to the provisions of subdivision one of this section, the commissioner of health shall, within ninety days of the effective date of this article, adopt such rules and regulations as are necessary for the proper application and administration of the provisions of this section; provided, that such rules and regulations:

a. shall prescribe the size of the letters and figures making up the legend required by subdivision one of this section, which size shall vary according to, and be commensurate with, the sizes, or class of sizes, of the various products; and

b. shall prescribe the location of the legend required by subdivision one of this section according to the sizes and types of the various products.

§ 852. Violations and penalties. 1. Any person who violates any of the provisions of this article shall be subject to a civil penalty of one hundred dollars on the first offense and up to five hundred dollars on any subsequent offense. For purposes of this article, each day that an improperly labeled asbestos bearing product is distributed, sold, or offered or exposed for sale shall constitute a separate violation.

2. Provided, however, it shall be an affirmative defense to any person prosecuted for violation of this article that he did not know and could not reasonably have been expected to know that the products sold without labels contained asbestos.

§ 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law, and shall only apply to products manufactured on or after such date.

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JJS-7/8/80

C A U T I O N

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause
Serious Bodily Harm

- - -

DANGER! MAY BE FATAL IF INHALED

Breathing of Asbestos Dust May
Cause Cancer, Asbestosis and
Other Fatal Diseases.

Use with Respirators and
Protective Clothing.

Remove All Asbestos Dust from Body
and Clothing Prior to Leaving Work Area.

For additional safety information, see Union
Carbide's material safety data sheet.

UCC 009056

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