PLAINTIFF'S EXHIBIT

UC-3512

Calidria
CORPORATION
POST OFFICE BOX K • KING CITY, CALIFORNIA 93930 • ☎ (408) 385-5961

January 23, 1985

6-1-K

Mr. K. C. Stevenson
Ditto Freight Lines
1575 Industrial Avenue
San Jose, CA 95112

SUBJECT: Overseas Container #OOLU-452101-0 Shipped from King City, CA January 2, 1985

Dear Mr. Stevenson:

Subject Container, #OOLU-452101-0, was loaded at Calidria Corporation, King City, CA on January 2, 1985 with 750-50 lb. bags of "Calidria" Asbestos Short Fiber Product. This container, destined for Nagoya, Japan via Oakland was sealed with Seal #0001830 before it left the plant property.

The Bill of Lading for the above shipment was No. 11010201 (see Attachment I). Please note under "Description of Articles" that our material is described as "Asbestos Shorts or Waste, Testing not over 0-0-8-8". This is a motor freight classification description (see Attachment II) which has been used for many years to describe the shortest asbestos fiber shipped from Canada. These Canadian short fibers, because of low quality and value, were originally called refuse or waste unless a customer was found for them. Obviously when they are sold to a customer they are not a waste to be discarded (see Attachment III).

Our asbestos is all short fiber, therefore, our shipments are made under the same freight classification; and, we have used the same description for over 20 years. Effective immediately we will use only the words "asbestos shorts" to describe our material on shipping documents.

Union Carbide trial exhibit UC-3512: John L. Myers to K. C. Stevenson (Ditto Freight Lines) on 'Asbestos Shorts or… Published by AsbestosClaims.Law
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Your citations are an apparent misunderstanding created by the use of the word "waste" in the material description required by the National Motor Freight Classification. Please let us know if you require additional information or if we can be of any further assistance in this matter. If possible, I would suggest that you provide the CHP a copy of this letter and attachments prior to your Hearing.

Very truly yours,

CALIDRIA CORPORATION

John L. Myers
Product & Production Manager

/ljg

Att:

cc: T. R. Alexander
R. O. Marsten
R. M. Mitchell
W. C. Thurber

Blind Note to cc: Bob Mitchell - We should take immediate action to get the wording in the National Motor Freight Classification (and appropriate rail counterpart) changed to read "Short Fiber Asbestos" or "Asbestos Shorts". Also, we are shipping asbestos in full compliance with DOT regulations, which do not define asbestos as a hazardous material to require placarding, etc. I am not aware of any state regulations governing the shipment of asbestos ore or product. I would appreciate your confirmation of this.

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THIS MEMORANDUM is an acknowledgment that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

3

Ditto Freight Lines
(Name of Carrier)

Carrier's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading.

Shipper's No. 11010201

At King City (Welby), Ca. 1-2, 19 85 From Calidria CORPORATION

ATT. I

the property described below in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

Consigned to UCI, c/o SS Neptune Diamond, c/o OOCL, Gate 5, Berth 6, Ferry Street

Customer's Order No. 23-9494 B-14866

Destination Oakland State California County _____

Route _____

Delivering Carrier _____ Car or Vehicle Initials _____ No. _____ Seal No. _____

No. Packages	Kind of Package, Description of Articles, Special Marks, and Exceptions		*Weight (Sub. to Correction)	Class or Rate	Check Column
	ASBESTOS SHORTS OR WASTE, CONSISTING OF MATERIAL TESTING NOT MORE THAN 0-0-8-8. *MATERIAL CERTIFIED TO TEST NOT MORE THAN 0-0-8-8.* (Rail)				
750 bags	ASBESTOS SHORTS OR WASTE, TESTING NOT OVER 0-0-8-8. (Truck)		38,625 lbs.		
BOOKING #880110		SEAL #0001830			
CONTAINER #OOLU-452101-0		DESTINATION - Nagoya, Japan			
VOYAGE 66 WEST					
BILL PREPAID FREIGHT TO:					

Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write or stamp here, "To be Prepaid."

TO BE PREPAID

Received $ _____ to apply in prepayment of the charges on the property described hereon,

Agent or Cashier

Per _____

(The signature here acknowledges only the amount prepaid.)

Charges Advanced:

$ _____

† The fibre boxes used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Rule 41 of the Uniform Freight Classification.

Meiko Warehousing Inc.
1717 Fairway Drive
San Leandro, CA 94577

REQUEST FOR APPLICATION OF FREEWEIGHT OF PALLET PROVISIONS IN ACCORDANCE WITH GOVERNING TARIFFS COVERING THIS SHIPMENT.

PALLETIZED GROSS WEIGHT _____ LBS.

WEIGHT OF PALLETS _____ LBS.

FREIGHT CHARGES APPLY ON _____ LBS.

THIS PALLETIZED SHIPMENT HAS BEEN GLUED AS A UNIT TO FACILITATE LOADING AND UNLOADING UNDER NO CIRCUMSTANCES ARE BAGS OR CARTONS TO BE REMOVED FROM PALLETS. SUCH ACTION MAY SUBJECT CARRIER TO POSSIBLE CLAIM AT DESTINATION

THE DESCRIPTION AND WEIGHT INDICATED ON THIS BILL OF LADING ARE CORRECT, SUBJECT TO VERIFICATION BY THE TRANS-CONTINENTAL FREIGHT BUREAU ACCORDING TO AGREEMENT A 5362.

* This is to certify that the above articles are properly described by name and are packed and marked and are in proper condition for transportation, according to the regulations prescribed by the Interstate Commerce Commission and the commandant of Coast Guard.
* If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.
* Shipper's imprint in lieu of stamp; not a part of bill of lading approved by the Interstate Commerce Commission.

Note—Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding $ _____ per _____

NOTE TO CARRIER

BILL PREPAID CHARGES TO:

Calidria CORPORATION

Per _____ Shipper.

_____ Agent

Per [signature] 4/30

Permanent postoffice address of shipper P. O. Box K, King City, Ca. 93930

SHIPPING POINT FILE

CC: 093(1M

UCC 009110

ATT. II

NMF 100-K

ICC NMF 100-K
FMC-F-22

APSC 21
MF-ATC 19
ACC 22
ATC 22
Cal PUC 22
PUC Colo 21
Conn PUC-MF 22
FPSC 22
GPSC 21
IPUC 22
MF-ILL CC 22
PSCI TR 22
Ia DOT 22
KCC 22
KY DOT 21
LPSC 22
Md PUC 22
MDT Mas 22
MF-PSC Md 22
MPSC-NMF 100-K
MTRB 21
MO 22
PSC Mo 21
Mont PSC 21
NPSC 22
PSCN 22
NHPUC 22
PUCNJ 22
SCCNM 22
DOT-NY-MT 21
NCUC 21
NDPSC 22
PUBNS 21
PUCO-NMF 100-K
CC Okla 22
PUC Ore 21
Freight Pa PUC 22
PTCB 22
PSCSC 22
SDPUC 21
TPSC 22
RCT 22
PSCU 22
VPSC 22
MF-VCC 22
WN T 21
MF-PSC W Va 21
PSC Wisc 21
Wyo PSC 21

(See page 2 for cancellations)

NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION, INC., AGENT

RECEIVED
TA
CALIFORNIA CORPORATION
KING CITY, CA

CLASSES AND RULES

APPLYING ON
FREIGHT TRAFFIC COVERED BY TARIFFS
GOVERNED BY THIS CLASSIFICATION
AS SUCH TARIFFS MAY PROVIDE

NATIONAL MOTOR FREIGHT CLASSIFICATION

ISSUED APRIL 6, 1984

EFFECTIVE MAY 12, 1984
(Except as otherwise provided herein)

Departure from 49 CFR Part 1310.6(e)(1) authorized; ICC Permission No. 77-130-M.
The provisions published herein will not, if effective, result in an effect on the quality of the human environment.

ISSUED BY
JAMES C. HARKINS, Issuing Officer
1616 P STREET, N.W.
WASHINGTON, D. C. 20036

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Inquiries concerning subscriptions to this publication should be addressed to the ATA Traffic Department, 1616 P Street, N. W., Washington, DC 20036. (Subscription price per copy — $29.55)

(25,000) (Corley Printing Company, St. Louis, MO) (Printed in U.S.A.)

UCC 009111

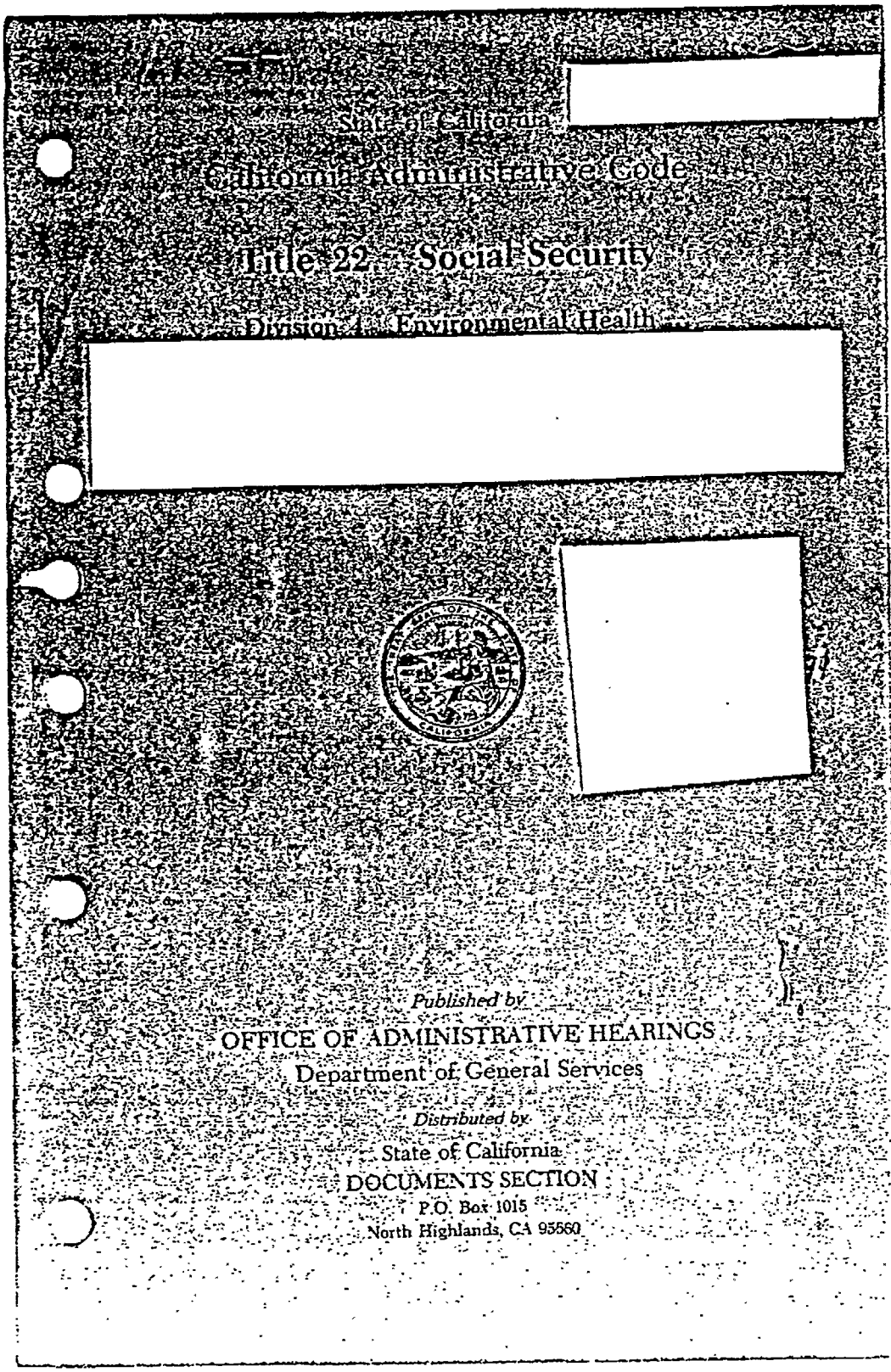
Item	ARTICLES	CLASSES LTL	TL	MW
	ASBESTOS: subject to item 14600			
14990	**Shorts or Waste,** consisting of material testing not more than 0-0-8-8, LTL, in cloth or double-walled paper bags or in barrels; TL, loose or in packages	50	35	40
15010	**Tubes,** NOI, in barrels, boxes or crates	100	80	30
15020	**Wallboard,** with not more than two coats of paint, enamel or lacquer, or not painted, enameled nor lacquered, in packages, or loose, see Note, item 14832; also TL, loose	65	35	40
15030	**Wallboard,** with more than two coats of paint, enamel or lacquer, or faced with resin impregnated paper, in boxes, crates or bundles, see Note, item 15032	77½	40	30
15032	NOTE—Bundles must be completely wrapped and edges and corners securely protected by fibreboard or wood.			
15050	**Yarn,** NOI, in bales or boxes	85	55	30
15070	**Ash,** fly, in bags, barrels or boxes	50	35	50
15080	**Ash,** volcanic, crude or ground, LTL, in bags or barrels; TL, loose or in packages	50	35	50
15100	**ASHES:**			
15120	**Bagasse; Cactus; Cotton Boll, Burr or Seed Hull; Manure, Sage Brush;** or **Wood;** LTL, in bags; TL, loose or in packages	50	35	40
15140	**Kelp,** in bags	50	35	40
15160	**Rice Hull,** LTL, in bags; TL, loose or in packages	50	35	40
15180	**Ashes or Cinders,** coal, LTL, in bags, barrels or boxes; TL, loose or in packages	50	35	50
15200	**ASPHALT GROUP:** Articles consist of Asphalt, Pitch or Tar, as described in items subject to this grouping.			
15220	**Asphalt (Asphaltum),** natural, by-product or petroleum, liquid, other than paint, stain or varnish, in containers in barrels or boxes, or in metal cans in crates, in pails, or in bulk in barrels, see Note, item 15222, or in fibre drums, or in Package 2080	55	35	40
15222	NOTE—TL provisions will also apply on shipments in straight sided cylindrical single-trip containers of 29 gauge steel and 5-gallon capacity.			
15240	**Asphalt (Asphaltum),** natural, by-product or petroleum, solid, see Note, item 15242, loose or in packages	55	35	40
15242	NOTE—Asphalt or pitch, the melting point of which is 140 degrees or less Fahrenheit, as determined by the Ball and Ring test in water or by the ½ inch Cube test in water, when shipped LTL must be in metal cans in boxes or crates, or in steel barrels, or in tight wooden barrels, or in No. 1 wooden slat barrels, or in No. 2 wooden slat barrels, with tongued and grooved staves. Such barrels must have heads at both ends. Asphalt or pitch may be shipped in eight-ply fibre drums, each ply testing not less than 100 pounds (Mullen), total wall thickness not less than ⅛ inch, with metal tops and bottoms, or in 3½ gallon single-trip pails made of 28 gauge steel, covers securely fastened with lugs.			
15260	**Pitch,** brewers' or pine, in barrels, boxes, double bags, four-ply paper bags, or in solid mass in Package 591	55	35	40
15270	**Pitch,** lignin, dry, see Note, item 15272, in bags or in barrels	55	35	40
15272	NOTE—Lignin pitch is dehydrated or powdered lignin liquor.			
15280	**Pitch,** montan, in bags	55	35	30
15300	**Pitch,** NOI, ground, in barrels, paper lined cloth bags or multiple-wall paper bags; also TL, in cloth bags	55	35	40
15310	**Pitch,** NOI, not ground, see Note, item 15242, in metal cans in barrels, boxes or crates, or in bulk in packages; also TL, in cakes or slabs	55	35	40
15320	**Pitch,** tall oil, in steel barrels	55	35	40
15360	**Tar or Pitch,** candle, in barrels	55	35	40
15380	**Tar,** coal or petroleum, in metal cans in boxes or crates, or in kits or steel pails, or in bulk in barrels, see Note, item 15382	55	35	40
15382	NOTE—Will also apply on solid coal or petroleum tar, the melting point of which is over 140 degrees Fahrenheit, as determined by the Ball and Ring test in water or by the ½ inch Cube test in water, when shipped in fibre drums.			
15400	**Tar,** hardwood, in barrels	55	35	40
15420	**OTar,** NOI, in metal cans in barrels, boxes or crates, or in bulk in barrels	55	35	40
15440	**Tar,** pine, in containers in barrels or boxes, or metal cans in crates, or in bulk in barrels	55	35	40
15450	**Assemblies,** chimney, consisting of chimney sections, metal, clay and concrete combined; metal cap and chimney pot; supports, metal and cement; and housing panels; in boxes	70	35	30
15480	**Assemblies,** skateboard wheel, in boxes	65	40	30
15600	**ATHLETIC GOODS GROUP:** Articles consist of Athletic, Gymnastic or Sporting Goods, as described in items subject to this grouping.			
15505	**Apparatus,** exercising, tubular metal frame with cloth or fabric body support or sling, in boxes, subject to Item 170 and having a density in pounds per cubic foot of:			
Sub 1	Less than 9	200	125	12
Sub 2	9 or greater	100	80	20
15510	**Apparatus,** household or home playground, steel, KD flat, see Note, Item 15512, in boxes	70	50	30
15512	NOTE—Applies only on rocking or revolving seats; swings; slides; see-saws; platforms or stands. Parts or accessories may be of materials other than steel providing the weight thereof does not exceed 10 percent of the total weight of the article. Does not apply on adult lawn swings (swings with platforms or supporting frames for seating two or more adults) nor on swimming pool equipment or accessories, nor on sand boxes or molded plastic horses.			

For explanation of abbreviations and reference marks, see last page of this tariff.

UCC 009112

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ATT. III



UCC 009113