Union Carbide Corporation
Metals Division
Niagara Falls, NY 14302
November 30, 1976

PLAINTIFF'S EXHIBIT
UC-3660

MEMORANDUM

To: J. L. Myers

From: H. B. Rhodes

Copies: R. E. Byrne, Jr.
T. P. Norris
R. L. Schult
W. C. Thurber
File

B-10

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Subject: Status of Denver Drywall Asbestos Problem

Denver Drywall is the drywall contractor for the Johns-Manville World Headquarters in Denver. They were using a mud manufactured by a UCC customer, Drywall Supply, as the first coat in a three-coat finishing procedure. This mud contained about 1% SG-210. The mud used for the other two coats contained no asbestos. By a communications mix up, Denver Drywall was under the impression that the Drywall Supply mud also did not contain asbestos and had so certified to Turner Brothers, Inc. the prime contractor on the job.

On July 15, 1976, the site was inspected by Colorado State OSHA in response to an employee dust complaint. Denver Drywall received asbestos related citations for lack of monitoring and lack of medical examinations. Turner Brothers received a citation for lack of medical examinations.

Following the citations, UCC collected and analyzed dust samples at the J/M site (where no asbestos was now being used) and at another site where the previous system, i.e. base coat only contained asbestos, were in use. Our results indicated that asbestos exposures were so low that it was unlikely that they could be proven to be different from background levels.

Denver Drywall filed notice of opposition and an informal conference was scheduled. Denver Drywall pushed the position that OSHA had not adequately demonstrated exposure, and if there was exposure it had not come from their wet mud. OSHA which was obviously in a weak position offered as a compromise to remove all fines and accept the offer to the employees of one physical examination by Denver Drywall and 4-5 by Turner as meeting compliance.

Mr. Mitchell, the president of Denver Drywall, was seeking our comments on the desirability of not accepting this compromise and going on to the review commission as a matter of principle and to help with the overall battle with OSHA. The UCC involvement would be, at the least, the provision of expert testimony on monitoring results and procedures. I told Mr. Mitchell that I felt that the technical merits of his position were solid but that this did not look to me like a good place to do battle on the monitoring reliability question. The strong appreciation of both UCC and the AIA/NA for his willingness to help was expressed.

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ACL Doc 18385 · Page 1 of 2 asbestosclaims.law/library/18385/1

At the present time Mr. Mitchell is extremely annoyed at Drywall Supply for misleading him and is not using any asbestos-containing muds. If a realistic set of construction regulations can be obtained from the current negotiations with OSHA he is a likely cqndidate to go back to such muds. He is one of the largest drywall contractors in the Rocky Mountain area and is quite influential in the national affairs of the contractors association.

H. B. Rhodes

H. B. Rhodes

HBR:dal

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ACL Doc 18385 · Page 2 of 2 **asbestosclaims.law/library/18385/2**