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In Southern California

State Department of Health
Occupational Cancer Control Unit
1449 W. Temple Street
Los Anceles, CA 90026
(213) 620-4290

977 or you face a $500 fine

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PLAINTIFF'S EXHIBIT

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of the limits. Please note the phrase "unprotected by an appropriate respirator." If you have an "incident," you should provide respirators for cleanup employees. This may preclude the requirement for reporting the incident.

The final paragraph (4) of the new Sub-section requires the posting of your report in a conspicuous place.

As we said in our previous letter, there is no cause for alarm because of this new requirement. The State is not attempting to prohibit the use of asbestos nor penalize you for using it. Their goal is to prevent on-the-job cancer and they are most willing to assist you, as we are, in keeping airborne asbestos fibers to a minimum. They recognize that asbestos is a valuable and necessary ingredient in many products and that it cannot be substituted for in most applications without a loss in product performance or at a financial disadvantage.

Our asbestos supplier, Union Carbide Corporation, has been very active in the State's development of effective, yet practical, asbestos standards. If you require air monitoring or assistance in complying with the standards, Union Carbide has promised us full cooperation.

As part of their education program, the State offers a penalty-free no-charge information service. If you want information from them, contact one of the following offices and ask for consultative assistance:

In Northern California

State Department of Health
Occupational Cancer Control Unit
2151 Berkley Way
Berkeley, CA 94704
(415) 843-7900, Ext. 306

In Southern California

State Department of Health
Occupational Cancer Control Unit
1449 W. Temple Street
Los Anceles, CA 90026
(213) 620-4290

In the next few weeks, you may receive a letter from the State which outlines your responsibilities as a user of asbestos. A similar letter has already been sent to possible users of the other substances covered by the occupational Cancer Control Act. We have not supplied your name or a mailing list of any kind, nor has the State requested one. Their mailing list is being prepared from SIC listings and other State records.

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The purpose of this letter is to advise our highly-valued customers of regulations and other government activities which may effect their business. Please feel free to contact us if you have any questions or require any kind of assistance in this regard.

Very truly yours,

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ACCURATE BUT NOT OFFICIAL

(l) Reports of Use. (New section adopted 5/26/77)

Not later than September 1, 1977, employers shall report the information required by Subsection (l)(2) to the Chief of the Division of Industrial Safety, 455 Golden Gate Avenue, San Francisco, California 94102. After September 1, 1977, the information required by Subsection (l)(2) shall be reported prior to the commencement of any new, unreported operation or process covered by these Orders.

NOTE: It is not intended that each activity listed in paragraph (l)(l) involving asbestos or asbestos-containing products be reported upon each use or activity. Anticipated present and future use reported initially is sufficient to comply with this Section.

(l) Operations and Processes Requiring Reporting.

(A) Any use, handling, disposal, processing, manufacturing, packaging or repackaging of asbestos or asbestos-containing products which require labeling by Subsection (i) of this section.

(B) Brake repair and clutch repair operations where asbestos-containing frictional materials are processed in a manner which may produce airborne asbestos fibers, such as; grinding, sanding, drilling, brake shoe arcing and beveling, or removing asbestos-containing dust with compressed air. Automotive repair facilities which are registered with the State Bureau of Automotive Repairs meet the registration requirements of this subparagraph, but are not otherwise exempt from this Section.

(C) Maintenance, construction, repair, renovation, demolition or salvage activities in which any materials containing more than 1% asbestos (dry weight) are sanded, ground, abrasive blasted, sawed, cut, shoveled, removed, or otherwise handled in such a manner that asbestos dust would be raised.

(D) Any other use where employee exposure exceeds the concentrations of airborne fibers given in Subsection (a).

NOTE: The ordinary use, handling, or installation of products which do not require labeling under Subsection (i) are exempt from the reporting requirements. Examples of non-labeled products include but are not limited to, vinyl-asbestos floor tile, resilient sheet flooring, packings and gaskets, fibrated asphalt coatings and coated asbestos cloth.

Operations such as retail, wholesale, warehousing, transportation or distribution of products requiring labeling are exempt from reporting requirements providing such products are handled or stored in sealed or unbroken containers.

(2) Reporting Requirements.

(A) The name of the employer and the address(es) of the place(s) of employment.

Where there are multiple locations where employees may be exposed to asbestos-containing materials infrequently (such as public utility vaults), the employer may provide a general description of such potential exposures and the nature and type of such locations in lieu of identifying each separate location.

(B) A brief description of the way(s) in which the asbestos or asbestos-containing product(s) are to be processed, handled, used or transported.

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(C) The estimated number of employees potentially exposed.

(D) The asbestos-containing product(s) being used or manufactured or the type(s) of structure(s) being constructed, demolished or repaired.

(E) The names and addresses of any collective bargaining representatives or other representatives of the affected employees.

(F) Employers with temporary jobsites, such as construction or demolition need register with the Division only once. Such registration is valid only on condition that the work is performed by the same employer and that prior to the commencement of each work when known in advance, the employer notifies the appropriate District Office by telegram, letter, or a telephone call which shall be confirmed in writing indicating the location and commencement of the activity.

(3) Incidents. Any incident, accident or emergency resulting in a known exposure of an employee, unprotected by an appropriate respirator, to asbestos fibers in excess of the limits prescribed by Section 5208(a), shall be reported in writing to the Chief of the Division of Industrial Safety within 15 days of the incident. The report shall include the following information:

(A) The number of employees over-exposed.

(B) The circumstances surrounding the over-exposure, including the process, operation or job involved.

(C) The results of any environment analyses done to monitor employee exposure or to define the hazard.

(D) The steps taken, or being taken to prevent a recurrence or to avoid future over-exposures.

(E) The product being manufactured or the type of sturcture being repaired, constructed or demolished.

(4) Posting. A copy of each report required by this Subsection shall be posted by the employer in the location or locations where asbestos is used, or where other notices are normally posted, which shall be conspicuous to affected employees.

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