UNION CARBIDE

INTERNAL
CORRESPONDENCE

UNION CARBIDE CORPORATION Old Ridgebury Road, Danbury, CT 06817
METALS DIVISION

To (Name) Mr. W. C. Thurber
Division Metals
Location J1398
Area

Date February 15, 1983

Originating Dept. R. W. Rebholz

Area H1374

Copy to Mr. R. A. Butler
Mr. L. A. Crisorio
Mr. R. F. X. Fusaro
Dr. W. C. Kuryla
Dr. H. C. Lewinsohn
Mr. J. L. Myers
Dr. H. B. Rhodes
Mr. R. F. Wolff

Subject Asbestos Labeling

The OSHA regulation concerning labeling of asbestos is attached. At present the required label is printed on all bags in which Carbide asbestos is packaged, and it is stenciled on cars in which bulk shipments are made.

It is widely recognized that the mandated label understates the risk associated with exposure to asbestos dust, and for this reason it is proposed that the attached label be substituted for the OSHA label on all UCC asbestos products shipped to users in the United States. The alternative of using both labels was rejected on the basis that the difference in labels would be confusing to the individual using the product.

The substitution can not be made without the approval of OSHA. The agency, when contacted on an informal basis, advised that such a request would be considered. If the proposed label is judged to be equivalent to, or better than, the current OSHA label, UCC would receive formal approval to use it on all of its products for shipments in the United States.

To this end, your approval to submit a printer's proof of the attached label to OSHA is requested.

If OSHA approves the label for U.S.A. shipments it is recommended that use of the six language translation of the OSHA label on shipments to Europe be continued until the new EEC labeling requirements are known; and that use of the Japanese translation of the OSHA label on shipments to Japan be continued.

RWR:sf
Attachment

A02936

R. W. Rebholz

PLAINTIFF'S EXHIBIT
UC-4861

X411909

Legend	Notation
Breathing Asbestos Dust May Be Hazardous To Your Health.	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) *Caution labels*—(i) *Labeling.* Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) *Label specifications.* The caution labels required by subdivision (i) of this subparagraph shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

(h) *Housekeeping*—(1) *Cleaning.* All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) *Waste disposal.* Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) *Recordkeeping*—(1) *Exposure records.* Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

[1910.1001(i)(1) amended at 41 FR 11505, March 19, 1976]

(2) *Access.* Employee exposure records required by this paragraph shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.20 (a)-(e) and (g)-(i).

[Section 1910.1001(i)(2) amended at 45 FR 35212, May 23, 1980, effective August 21, 1980]

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) *Medical examinations*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records*—(i) *Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) *Access.* Records of the medical examinations required by this paragraph shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.20(a)-(e) and (g)-(i). These records shall also be provided upon the request to the Director of NIOSH. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

[Section 1910.1001(j)(6)(ii) amended at 45 FR 35212, May 23, 1980, effective August 21, 1980, corrected by 45 FR 54333, August 15, 1980]

§ 1910.1002 Coal tar pitch volatiles; interpretation of term.

As used in Sec. 1910.1000 (Table Z-1), coal tar pitch volatiles include the fused polycyclic hydrocarbons which volatilize from the distillation residues of coal, petroleum, wood, and other organic matter.

§ 1910.1003 4-Nitrobiphenyl.

(a) *Scope and application.* (1) This section applies to any area in which 4-Nitrobiphenyl, Chemical Abstracts Service Registry Number 92933 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Nitrobiphenyl.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Nitrobiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Nitrobiphenyl where containment prevents the release of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Nitrobiphenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Nitrobiphenyl from the work environment.

(8) "Emergency" means an unforseen circumstance or set of circumstances resulting in the release of 4-Nitrobiphenyl which may result in exposure to or contact with 4-Nitrobiphenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Nitrobiphenyl,

[Sec. 1910.1003(b)(10)]

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Union Carbide trial exhibit UC-4861: R. W. Rebholz to W. C. Thurber on Substituting a Revised Asbestos Label for t... Published by AsbestosClaims.Law
ACL Doc 19373 · Page 2 of 3 asbestosclaims.law/library/19373/2

ASBESTOS

WARNING

- CANCER HAZARD - HIGHER RISK IN SMOKERS

CANCER HAZARD IS ASSOCIATED WITH BREATHING ASBESTOS DUST. WHERE DUST IS PRESENT WEAR A RESPIRATOR WHICH HAS BEEN APPROVED BY OSHA OR NIOSH FOR THE CONDITIONS ENCOUNTERED.

FOR INDUSTRIAL USE ONLY
DO NOT REUSE PACKAGING MATERIAL

AU2938

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