UC 145-2

UNION CARBIDE **INTERNAL CORRESPONDENCE**

JUN 20 1979

METALS DIVISION • P. O. BOX 579 • 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14

To (Name) Messrs.
T. R. Alexander
S. Hoffman
W. G. Kahler II
R. J. Kronkhyte
M. D. Michaud
[redacted]

Division

Location

Copy to Messrs.
R. E. Byrne, Jr.
G. R. Adams
W. B. DeAtley
R. M. Mitchell
H. B. Rhodes
J. J. Sibley
File

Date June 15, 1979

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject 6/14/79 Meeting on DOT Regulations

The following is my interpretation of a summary of the Subject. I encourage you to comment, make revisions as necessary, and send to all concerned.

1. King City will test the "airtightness" of at least one filled bulk car from each type we use, ACF (Pneumatic) and SP/SSW (Gravity). It will first be determined that the cars can be air-tested without damage.

2. Mr. Kahler will attempt to arrange a meeting with DOT for the week of 7/23/79 to discuss the problems we still have with bulk cars, less-than-pallet shipments, and inventories of unmarked bags. If DOT concurs, the meeting will be in King City where they can witness our packaging operation and shipping procedures. Mr. Myers will attempt to develop words which DOT may accept to alleviate the problems.

3. The "ASBESTOS ORM-C" marking will be stencilled on one end of bulk cars in letters about 1-1/2" high.

4. Mr. Kronkhyte will determine if double-shrink filming provides a dust and siftproof package. (Dr. DeAtley will propose an alternate: palletized shrink-filmed bags that are pallet wrapped with the plastic film sealed to a plastic film under-sheet. The entire pallet would be considered a dust and siftproof package).

5. Mr. Kronkhyte will order or be prepared to order a quantity of plastic labels with "ASBESTOS ORM-C." These would be used on packages in inventory (plant, distributor and warehouse) which are not already so marked.

6. It is not required to put the marking on the exterior of containers, trucks or railcars.

7. Mr. Hoffman will contact St. Regis about their threatened refusal to supply us with bags that are not dust and siftproof. (Bemis is also doing the same.)

8. Mr. Myers has drafted letters to customers, warehouses and distributors about the new regulations. Mr. Sibley will review these with Mr. Hoffman. The proposed letters are also intended to determine the status of inventory at distributors and warehouses and what action is required to assure compliance by 8/20/79.

9. Mr. Alexander will issue instructions to the plant on their compliance requirements.

10. Mr. Myers will check w/Kentile Floors in Brooklyn, whose plant is situated such that they use a terminal service who unloads railcars and transports asbestos to Kentile via truck, to make sure the consignor/consignee exemption for dust and siftproof bags is no problem.

11. Mr. Kahler will advise the plant on their existing inventory of bags without ORM-C marking which are already palletized and shrink-filmed. Can ORM-C labels be applied to four sides of pallet vs. "knocking down" pallet so each bag can be marked?

12. J-M has requested and been verbally assured by DOT that the "private carrier exemption" will be reinstated. Mr. Hoffman does not think it will be.

13. Mr. Myers would like to have a compilation of <u>every</u> DOT rule applying to asbestos packaging and transportation. Can this be provided?

14. Mr. Myers was assured that samples are "commercial asbestos." This presumably means that salesmen cannot carry samples in their cars unless they conform to the DOT rules: palletizing, unitizing, etc.

15. It was concluded that the DOT regulations were drafted with insufficient knowledge and with little or no regard for practicality.

We did not discuss this at the meeting, but I strongly urge that we shrink-film all products until some other means is developed to eliminate the leakage from bag fill spouts and air vent holes.

John L. Myers

John L. Myers

JLM:dal

49-2

AUG 3 1 1979

UNION CARBIDE **INTERNAL CORRESPONDENCE**

METALS DIVISION • P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 1430

To (Name) Messrs.
G. L. Dickson
Division E. J. Kleber
Location T. P. Norris
J. E. Walsh

Copy to Messrs.
G. R. Adams
T. R. Alexander
R. E. Byrne, Jr.
W. B. DeAtley
W. G. Kahler
R. M. Mitchell
[redacted]
H. B. Rhodes
J. J. Sibley
Mrs. L. J. Grogan
File

Date August 29, 1979

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject DOT Regulations

This is a followup to my letter dated 7/26/79 on the same Subject.

The DOT has approved the changes we requested in our petition and a private carrier exemption requested by someone else, J-M I think. Attached is a copy of the Federal Register dated 8/16/79 which includes the revised rules and a new letter sent to our Distributors and Warehouses.

In summary:

1. "Non-Conforming" product already in warehouse and distributor inventories can be shipped with no restrictions until 12/31/79. Gordon will continue to be responsible for making sure that all such product is moved before the deadline.

2. As an alternate to palletizing and unitizing, dust and sift-proof bags can be shipped via private carrier or in a cardboard or wooden box. This will facilitate the shipment by distributors of less than pallet quantities. We can continue to ship samples in cardboard boxes as long as the bags are dust and sift-proof. The "ASBESTOS ORM-C" marking must be visible on the outside of the box. A "private carrier" would include a truck operated by an employee of the distributor, warehouse or customer.

3. Bulk hopper cars and trucks are specifically approved provided they are leaktight.

In an attempt to clarify how we will comply with the new packaging and transportation rules, following is my summary of the options and attached is a "Handy Reference." I would appreciate a careful review of my interpretation by the

distribution people receiving this letter. Please advise if you have any comments or corrections.

Ways to Ship Our Product

§173.1090(d)(1) - Bulk hopper cars and trucks that don't leak asbestos, the marking "ASBESTOS ORM-C" must be on exterior surface.

(2) - In bags that we have always used, palletized or loose-loaded, but:

(i) Bags must be marked "ASBESTOS ORM-C".

(ii) Transport vehicle must be fully closed-solid top and sides, no tarps.

(iii) Shipper must have complete use of vehicle, loaded by shipper and unloaded by receiver(s); carrier cannot load anything else on the vehicle or remove any of the contents.

(3) - In bags which are marked "ASBESTOS ORM-C" and which are double shrink-wrapped to make them dust and sift-proof, as follows:

(i) When palletized and shrink-filmed can be shipped in open trucks, on horseback, or by any means you can think of.

(ii) When shipped by private carrier, there is no requirement for palletizing and unitizing.

(iii) For less than pallet quantities, the dust and sift-proof bags can be shipped in cardboard boxes but the marking "ASBESTOS ORM-C" must be on the outside of the box.

Except for shipments by air, the "ASBESTOS ORM-C" need not be anywhere except on the packages. It is not required on shipping papers.

Let me know if you, your customers, distributors or warehouses have any questions.

J. L. Myers/dal

John L. Myers

JLM:dal
Attachment

DOT REGS - POCKET REFERENCE (JLM-8/29/79)

Type of Packaging	Approved Shipping Method
A. Bulk	Leaktight hopper cars or trucks.
B. "Old" Bags	Closed vehicle, palletized or loose-loaded, carrier not permitted to add to or remove vehicle contents.
C. "Double-Wrapped" Bags (Dust and Sift-Proof)	1. By commercial carrier bags must be palletized and shrink-filmed, or less than pallet quantities put in boxes. 2. By private carrier bags can be loose-loaded palletized, or in boxes.

"Exclusive Use" - The consignor has complete use of the transport vehicle, loading is carried out by consignor, and unloading is carried out by the consignee(s).

"Private Carrier"- Vehicle operated by employees of shipper or receiver.

DOT REGS - POCKET REFERENCE (JLM-8/29/79)

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"Private Carrier"- Vehicle operated by employees of shipper or receiver.

Materials Transportation Bureau

49 CFR Part 173

[Docket Nos. HM-160; Amdt. Nos. 172-47, 173-123, 174-33, 175-7, 176-6, 177-44]

Transportation of Asbestos; Additional Revisions of Amendment No. 173-123

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Additional Revisions of Previous Amendment No. 173-123.

SUMMARY: These revisions to Amendment No. 173-123 (44 FR 18673, March 29, 1979) will permit carriage of asbestos: (1) by private carrier in dust and sift-proof bags and other non-rigid packaging without palletizing and unitizing; (2) in dust and sift-proof bags and other non-rigid packagings within fiberboard or wooden boxes when shipped in less than pallet load quantities. This revision also clarifies the authority to ship leaktight hopper cars and leaktight hopper motor vehicles, and provides a grandfather clause for shipments initially shipped and transported prior to August 20, 1979.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Standards Division, Materials Transportation Bureau, Research and Special Programs Administration, DOT, Washington, D.C. 20590, phone 202-426-2075.

SUPPLEMENTARY INFORMATION: On March 29, 1979, the MTB published an amendment to the final rule under docket HM-160 in the Federal Register (44 FR 18673). Since this publication, the MTB has received two petitions for reconsideration in accordance with the provisions of 49 CFR 106.35.

One petitioner requested that the MTB clarify the meaning of the word "airtight" as it is used in § 173.1090(d)(1), and he questioned whether hopper cars would be authorized by the provisions of this same section. For the purposes of this section, the word "airtight" means that there can be no transfer of either air or particles between the packaging and the surrounding atmosphere under ambient conditions. Packaging specified in this section need not be pressure tight packaging. In an effort to eliminate any confusion, the word "airtight" has been deleted from this section, and the word "leaktight" has been substituted. Also, this section has been amended to include a specific reference allowing the use of leaktight hopper cars or hopper motor vehicles for the shipment of asbestos.

A petitioner stated that difficulties arise due to the lack of a provision allowing the shipment of dust and sift-proof bags or other non-rigid packagings in less than pallet load quantities. The petitioner stated that the use of an exclusive use vehicle for shipments of only a few bags of asbestos is extremely uneconomical and that it is also not feasible to maintain supplies to unitize and palletize small quantity shipments of bags of asbestos. This petitioner requested that fiber boxes be allowed as an alternative to the palletizing and unitizing method. The MTB is in basic agreement with this petitioner concerning small quantity shipments of asbestos in bags, therefore, this amendment provides for the shipment of dust and sift-proof bags or other non-rigid packagings when in rigid outside fiberboard or wooden boxes. This option will continue to provide for public safety by providing for equal protection of the bags during shipment but will allow shipment of less than pallet load quantities.

A petitioner objected that the amendment to the final rule as published on March 29, 1979, did not include the provision allowing private highway carriers to transport dust and sift-proof packagings without palletizing and unitizing which appeared in the final rule published on December 4, 1978 (43 FR 56664). The MTB agrees that the provision should be reinstated in view of the closer control exercised by private carriers over shipments. This provision will allow for private carriage by highway of dust and sift-proof bags and other non-rigid packagings which are not palletized and unitized.

Several questions have been raised concerning the meaning of the words "exclusive use" as used in § 173.1090(d)(3). For the purposes of this section, "exclusive use" means that the consignor has complete use of the transport vehicle and that the loading is carried out by the consignor and unloading is carried out by the consignee or consignees.

A petitioner also cited a need for an extended effective date for packages of asbestos initially entered into transportation prior to August 20, 1979, but which would still be required to be shipped from distributors, warehouses, and the like, after that date. It was stated that many distributors, etc., do not have the ability or facilities to repackage such shipments and, therefore, such stocks would not be able to be reshipped after the effective date of the final rule, thus causing severe hardships. The MTB is in agreement that this situation could pose a serious burden and, therefore, this amendment includes a provision allowing packages of asbestos initially shipped prior to August 20, 1979, to continue to be shipped until December 31, 1979.

In consideration of the foregoing, § 173.1090 as it appeared in the Federal Register published on March 29, 1979 (44 FR 18673) is revised as follows:

In § 173.1090, paragraphs (d) (1), (2), and (3) are revised; paragraphs (d) (4) and (5) are added to read as follows:

§ 173.1090 Asbestos.

* * * * *

(d) * * *

(1) Rigid, leaktight packagings, such a metal or fiber drums, portable tanks, hopper-type rail cars, or hopper-type motor vehicles;

(2) Bags or other non-rigid packagings in closed freight containers, motor vehicles, or rail cars that are loaded by and for the exclusive use of the consignor and unloaded by the consignee;

(3) Bags or other non-rigid packagings which are dust and sift-proof. When transported by other than private carrier by highway, such packagings containing asbestos must be palletized and unitized by methods such as shrink-wrapping in plastic film or wrapping in fiberboard secured by strapping. Pallets need not be used during transportation by vessel for loads with slings that are unitized by methods such as shrink-wrapping, if the slings adequately and evenly support the loads and the unitizing method prevents shifting of the bags or other non-rigid packagings during conditions normally incident to transportation; or

(4) Bags or other non-rigid packagings which are dust and sift-proof in strong outside fiberboard or wooden boxes.

(5) Notwithstanding the requirements of this section, packages containing asbestos initially shipped and transported prior to August 20, 1979, may continue to be shipped and transported until December 31, 1979.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this final rule will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available in the docket.

Issued in Washington, D.C. on August 10, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-25237 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-60-M

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CC-19-2

UNION CARBIDE

INTERNAL CORRESPONDENCE

METALS DIVISION

P. O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 143

AUG 6, 1979

To (Name) Messrs.
Division G. L. Dickson
Location E. J. Kleber
T. P. Norris
J. E. Walsh

Date July 26, 1979

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject DOT Regulations

Copy to Messrs.
G. R. Adams
R. E. Byrne, Jr.
W. B. DeAtley
T. R. Alexander
W. G. Kahler
R. M. Mitchell
H. B. Rhodes
J. J. Sibley
[redacted]
File

This will be an attempt to answer your written questions and to bring you up to date on the current status of the Subject. Copies of your letters sent to me after the sales meeting are enclosed for reference, as well as our latest petition to the DOT. We met with the DOT on 7/19/79 to clarify some points, as follows:

1. Bulk cars and trucks can be shipped under §173.1090(d)(1). The word "airtight" means leak tight, not that the cars must be capable of holding pressure. The plant will initiate an inspection procedure to confirm that gaskets, caps, etc. are in place on cars prior to shipment to ensure that there is no leakage during transit. Bulk customers should be advised to do the same prior to returning the cars to us. The customer does not have to clean the car or do any labelling. "ASBESTOS ORM-C" has been stencilled on all the bulk cars.

2. "Exclusive use" in (d)(2) means that the vehicle is used exclusively by one shipper directly to one receiver. For example, a distributor can load asbestos and other of his products into the same vehicle provided that no other shipper uses the vehicle and that it goes directly to the receiver. This is to protect transportation workers, who are not covered by OSHA.

3. The DOT promulgated the regulations to preclude coverage of transportation workers by OSHA. If they were under OSHA, the regulations requiring medical exams, recordkeeping, etc. would apply.

4. They indicated no problems with extending the effective date to 10/1/79 for product already in warehouse inventories that does not meet the regulations, but this must be confirmed in a reply to our petition. Your distributors and warehouses should attempt to move all such product by 8/20/79.

5. They refused to consider exempting less than pallet quantities from the palletizing and unitizing requirements. Their reasoning is that loose bags placed in a vehicle with other products, equipment, drums or whatever, would be too susceptible to breakage and potential exposure for transportation and other workers to airborne fibers. They were receptive to allowing the use of cardboard boxes as an alternate to palletizing and unitizing, and we expect a favorable answer to our petition for this change. This will allow us to continue using current practice for shipping samples, both lab size and full bags. The "ASBESTOS ORM-C" marking must be on the outside of such boxes. The DOT will not put any specs on such boxes other than "strong" and "rigid." Mr. Sibley advises that the OSHA warning is not required on the outside.

6. All carriers are covered by the regulations. The original rules had exempted private carriers.

I have drafted new letters for customers, distributors and warehouses, and copies are enclosed for your information. Gordon has agreed to be responsible for "educating" our warehouses and determining how much material we have which does not meet the DOT requirements. If your distributors have any questions which you can't answer, Gordon or I will attempt to handle them. I would suggest that you visit your distributor's warehouses personally to determine how much product they must move by 8/20 (or 10/1 if our petition is allowed), and to make sure they understand the regulations.

Following are comments and answers to your specific questions:

1. All asbestos transported by any means is covered by the regulations. Samples carried in your cars must be in dust and sift proof packaging inside of cardboard boxes (if this is approved). If boxes are not approved we must develop rigid packaging or some other method to meet the regulations. Samples can be transported in car trunks provided they are properly packaged and marked.

2. We will not ask the customers or distributors to sign and return a copy of the letter sent to them.

3. Regarding vehicle cleanup, I was advised not to request the DOT to clarify "in a manner that will minimize occupational exposure" (§174.840). If you have such a question, refer the questioner to his own attorney and/or to the OSHA regulations.

4. The letter to customers includes a quotation from 173.1090(c) to explain the shipment of asbestos-containing products.

5. The "C" in "ORM-C" has no meaning, just an alphabetical assignment for Other Regulated Materials.

6. If a distributor ships bags in a sealed fiber drum, the "ASBESTOS ORM-C" must be marked on the outside. The plant has purchased 15,000 labels and will send whatever quantities you request.

7. The consignee is responsible for vehicle cleanup. We would not plan to pay for any costs incurred. I would not suggest any "method" to ensure a clean vehicle. Visible material should be vacuumed or wet down and swept. Refer to OSHA regulations.

8. The handling of damaged shipments should be no different than before. The extent of damage would dictate how to handle it.

9. Damaged shrink-film should be repaired with tape and/or sheets of film.

10. I would interpret 173.1090(c) that asbestos mixed dry with other materials would be covered.

11. LTL asbestos orders can be shipped in any manner provided they meet 173.1090(d)(3), dust and sift proof bags, palletized and unitized.

12. A tarp-covered truck is not a "closed" truck.

13. The plant is double-wrapping all bags which go to warehouses and distributors, and they are palletizing and unitizing all such "dust and sift proof" bags.

I assume that you have already discussed the new regulations with your distributors, especially with regard to the impact of not being able to ship bags unless they are palletized and unitized, or, for example, in a sealed fiber drum. If not, this should be your first order of priority. Bulk customers should be advised regarding the condition of caps and gaskets or bulk cars, I see no reason for personal discussions with other customers - the letter should provide them with enough information.

John L. Myers

JLM:dal
Enclosures

UNION CARBIDE CORPORATION
CORPORATE DISTRIBUTION
270 PARK AVENUE, NEW YORK, N. Y. 10017

July 23, 1979

Materials Transportation Bureau
US Department of Transportation
2100 Second Street, SW
Washington, DC 20590

SUBJECT: Docket No. HM-160
Transportation of Asbestos

Gentlemen:

On March 29, 1979, the Materials Transportation Bureau published in the Federal Register (44 F.R. 18673) a revision of Amendment No. 173-23 regarding the transportation of asbestos, as published on December 4, 1978, (43 F.R. 56664).

Union Carbide Corporation is engaged, among other things, in the production, sale and distribution of chrysotile asbestos and ships an aggregate of over 30,000 tons per year of such material for use in various applications. Although a substantial portion of Union Carbide's shipments of asbestos is made in bulk, an equally substantial portion requires packaging in bags.

As revised, §173.1090 (d) (2) and (3) contemplate the use of bags or other non-rigid packagings. In each case, however, the revised section appears to assume that shipments in bags can always be made in fairly large quantities. Thus, subparagraph (2) permits the use of bags in closed vehicles which are assigned for the "exclusive use" of the consignor. Obviously it would in most circumstances be exceedingly uneconomical for any consignor to operate, or contract for the exclusive use of, a vehicle to transport a shipment of only a few bags of asbestos.

Similarly, subparagraph (3) requires that bags be palletized and unitized. Ordinarily, in commercial sales of asbestos, shipment quantities are sufficient to economically and practically accommodate that requirement. In many cases, however, distributors must ship quantities of only a few bags to meet customer requirements or limitations. Additionally, in the case of sample shipments, only a single bag may be involved.

Accordingly, it is respectfully requested that the effective date of the new regulations be further extended to October 1, 1979, but solely with respect to asbestos packaged and initially shipped prior to August 20, 1979. It must be recognized, however, that a prompt response to this request is imperative since, if no extension is to be granted, movement to California must commence shortly in order to be completed on or before August 20.

Your courtesy and cooperation in considering the matters discussed herein are greatly appreciated.

Respectfully submitted,

UNION CARBIDE CORPORATION

M. D. Michaud
Assistant Administrator
Hazardous Materials Transportation
Regulations

MDM:jnr

UC 149-2

UNION CARBIDE INTERNAL CORRESPONDENCE

METALS DIVISION

P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK

To (Name) J. L. Myers
Division UCC-Niagara Falls, NY
Location

Date July 3, 1979
Originating Dept. "Calidria" Asbestos
Answering letter date

Copy to File

Subject DOT Regulations

As far as I can determine, the drafts of letters to our customers and distributors regarding the new DOT regulations cover the subject very well. No mention was made concerning the transportation of samples by our distributors, such as in automobiles, but possibly that is not germane to the present subject. My main concern is that we should begin shipping material to our warehouses and distributors as soon as possible with the new packaging or else we will be faced with the possible return of a large amount of material to King City for repackaging. Although it will only effect the Finderne warehouse and two distributors (Allied Resin Corp. and Technical Products, Inc.), I think that we may get some questions regarding our request that they sign and return a copy of the letter sent to them. One question could easily be - "What happens if we don't sign the letter?"

GLDickson

G. L. Dickson

GLD:dal

UC 149-2

UNION CARBIDE INTERNAL CORRESPONDENCE

METALS DIVISION

P. O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 143(

To (Name) J. L. Myers
Division UCC-Niagara Falls, NY
Location

Date July 3, 1979

Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to File

Subject Letter Regarding DOT Regulations

At your request, listed below are some questions and comments on your proposed letters to customers, distributors and warehouses.

1. Both letters - in the quote from DOT 174.840, the phrase "in a manner that will minimize occupational exposure..." is used. Is there a way to clarify that better?

2. Both letters - maybe a comment or quote from 173.1090-C is in order to minimize customer's fear of shipping finished product.

3. Distributor/Warehouse letter - what does the distributor/ warehouseman's signature really mean? What if he doesn't sign?

4. Both letters - what does the C in ORM-C signify?

If you have any questions or comments, please let me know.

E. J. Kleber

EJK:dal

UC 1492 (7-60)

INTERNAL CORRESPONDENCE

UNION CARBIDE CORPORATION • 17 EXECUTIVE PARK DRIVE, ATLANTA, GEORGIA 30329

To (Name) J. L. Myers
Division
Location

Date June 22, 1979

Originating Dept.

Answering letter date

Copy to

Subject DOT Regulations

Dear John,

The following questions concerning the DOT regulations include some asked at our meeting and others I have thought about and discussed with our distributor and local warehouse.

1. Will we and/or our distributors be able to continue to ship our standard samples after August 20?
2. Can we and/or our distributors continue to transport the samples in the trunk of our company or rented cars?
3. If our distributors decide to sell less than pallet quantities in sealed fiber drums, will an asbestos warning label be required on the drums?
4. Do cardboard shipping cartons meet the DOT definition of a suitable container for less than pallet shipments?
5. What would be the specifications of an approved carton?
6. Does the distributor and/or customer have to insure clean car/truck return?
7. If the distributor's warehouse bills them for the cleanup or our customers bill us, what will our stance be on reimbursing them?
8. What method do we recommend to insure the car or truck is cleaned, in compliance with the regulation?
9. Is a customer receiving an LTL shipment responsible for insuring any cleanup?
10. What happens to damaged enroute or damaged on delivery shipments? Should material be refused or accepted and disposed of?
11. What can a distributor do, who does not have access to shrink filming on a 2-3 bag pallet damaged in warehouse movement?
12. If no extension can be obtained to the August 20th effective date, what should be done with on hand or enroute product not in compliance at our warehouses, distributors and customers?
13. Is any asbestos containing dry mix product sold by our customers covered by the regulation?
14. Can our warehouse or distributor ship one or more LTL orders going to different customers in the same truck which is either loaded or will be with other non asbestos products?

RECEIVED
JUN 25 1979
UCC-CALIDRIA
NIAGARA FALLS, N.Y.

UNION CARBIDE CORPORATION · METALS DIVISION · P. O. BOX 579 · NIAGARA FALLS, N.Y. 14302 · TEL: 716-278-3376

July 30, 1979

To: "Calidria" Asbestos Customers

New Department of Transportation regulations affecting the packaging and transportation of asbestos in the United States become effective on August 20, 1979. Enclosed are copies of the original rules published in the Federal Register on December 4, 1978 and revisions published on March 29, 1979.

We intend to comply with these regulations and are advising our distributors and warehouses of their responsibilities. You should take particular note of §174.840 and 177.844 which read essentially the same, as follows:

> Asbestos must be loaded, handled, and unloaded, and any asbestos contamination of rail cars (transport vehicles) removed, in a manner that will minimize occupational exposure to airborne asbestos particles released incident to transportation.

If you re-ship asbestos or must return purchased material, you should review §173.1090(d). With regard to the shipment of your products which contain asbestos, following is the complete text of §173.1090(c):

> "Asbestos which is immersed or fixed in a natural or artificial binder material (such as cement, plastic, asphalt, resins or mineral ore) and manufactured products containing asbestos or any materials or products whose commercial value is not dependent on their asbestos content, are not subject to the requirements of this subchapter."

You may wish to review the enclosed regulations with your attorneys in order to be fully advised of your responsibilities thereunder. Please note that this mailing concerns only those recently adopted Department of Transportation regulations which pertain to asbestos and not to any other products or materials that may be supplied to you by Union Carbide.

We presume that you will comply fully with the enclosed regulations and other pertinent rules in Title 49 of the Code of Federal Regulations.

Very truly yours,

John L. Myers

John L. Myers
Marketing Manager

UNION CARBIDE CORPORATION • METALS DIVISION • P. O. BOX 579 • NIAGARA FALLS, N.Y. 14302 • TEL: 716-278-3376

July 30, 1979

To: "Calidria" Asbestos Distributors and Warehouses

New Department of Transportation (DOT) regulations affecting the packaging and transportation of asbestos in the United States become effective on August 20, 1979.

Enclosed are copies of the original rules published in the Federal Register on 12/4/78 and the revisions published 3/29/79. You should review in particular the following provision:

§173.1090(d) Commercial asbestos must be offered for transportation and transported in -

(1) Rigid, airtight packagings such as metal or fiber drums, portable tanks;

(2) Bags or other non-rigid packagings in closed freight containers, motor vehicles, or rail cars that are loaded by and for the exclusive use of the consignor and unloaded by the consignee; or

(3) Bags or other non-rigid packagings which are dust and sift proof and which are palletized and unitized by methods such as shrink wrapping in plastic film or wrapping in fiberboard secured by strapping.

We have begun to ship product to you that meets the provisions of sub-division (3) above. Please note that any shipment of bags which you make must comply with the provisions of sub-division (1), (2), or (3) above. We have petitioned the DOT to revise sub-division (3) to allow the use of fiberboard or wooden packaging as an alternate to palletizing and unitizing. If the DOT approves our petition, the "ASBESTOS ORM-C" marking must be on the exterior of the packaging. We will provide you with gummed labels to meet this requirement.

I assume that at least some of you have product in inventory which may not fully meet the new DOT requirements. If at all possible, such product should be shipped prior to August 20th. In our petition (copy attached), we have also requested that the new rules not be effective until October 1, 1979 for product initially shipped before August 20th. If this is allowed, you will have that much more time to move product not meeting the new requirements.

During the next few weeks, we plan to make a complete survey of product in warehouse inventories to determine what must be done to comply with the new regulations. Your cooperation in this effort would be appreciated.

You should also take note of §174.840 and 177.844 which read essentially the same, as follows:

> Asbestos must be loaded, handled, and unloaded, and any asbestos contamination of rail cars (transport vehicles) removed, in a manner that will minimize occupational exposure to airborne asbestos particles released incident to transportation.

You may wish to review the attached regulations with your attorneys in order to be fully advised of your responsibilities thereunder. Please note that this mailing concerns only those recently adopted Department of Transportation regulations which pertain to asbestos and not to any other products or materials that may be supplied to you by Union Carbide.

We presume that you will comply fully with the enclosed regulations and other pertinent rules in Title 49 of the Code of Federal Regulations.

Very truly yours,

John L. Myers

John L. Myers
Marketing Manager

/rmm

UC-149-2

INTERNAL CORRESPONDENCE

JUL 30 1979

UNION CARBIDE CORPORATION • 270 PARK AVENUE, NEW YORK, NEW YORK 1001

To (Name)	Mr. T. R. Alexander	Date	July 24, 1979
Division	Mr. W. B. DeAtley		
Location	Mr. J. L. Myers	Originating Dept.	Corporate Distribution
Floor Number	Mr. R. W. Rebholz	Floor Number	6th Floor
	Mr. J. J. Sibley		
Copy to	Mr. S. Hoffman	Answering letter date	
		Subject	Docket HM-160; Transportation of Asbestos
		File	R.1.2.3 (HM-160)

Gentlemen:

Enclosed for your information is the letter forwarded to DOT resulting from the meeting held July 19 between Messrs. Billings, Crockett and Roberts of DOT and Messrs. Hoffman, Michaud, Myers and DeAtley of UCC.

Personally, I believe the meeting went very well. Our main objective was threefold:

(a) To clarify the regulations with respect to the shipment of bulk hopper cars and vehicles;

(b) To seek an alternative to the palletizing and unitizing concept for small shipments;

(c) To extend the effective date of the regulations to allow for the disposition of packaged material already in the transportation pipeline in non-compliance packaging.

Objective (a) will be resolved through the issuance by a letter by MTB clarifying the meaning of "airtight." It was not their intention, for example, that bulk vehicles be pressure-tested to assure no leakage of air. Their primary concern is containment of the lading and it appears that UCC would have no problems continuing to use their assigned fleet of hopper cars.

Objectives (b) and (c) are covered in the attached request to MTB. They have verbally agreed to allow the use of fiberboard and wooden overpacks for dust and sift-proof bags and an extension of the effective date to October 1, 1979.

Our objectives have been satisfied and maybe we can finally put this matter to rest.

I'd like to thank each of you for your help and if you have any questions, please let me know.

Regards,

Mike Michaud

M. D. Michaud

MDM:jnr

Enclosure

UNION CARBIDE CORPORATION
CORPORATE DISTRIBUTION
270 PARK AVENUE, NEW YORK, N. Y. 10017

July 23, 1979

Materials Transportation Bureau
US Department of Transportation
2100 Second Street, SW
Washington, DC 20590

SUBJECT: Docket No. HM-160
Transportation of Asbestos

Gentlemen:

On March 29, 1979, the Materials Transportation Bureau published in the Federal Register (44 F.R. 18673) a revision of Amendment No. 173-23 regarding the transportation of asbestos, as published on December 4, 1978, (43 F.R. 56664).

Union Carbide Corporation is engaged, among other things, in the production, sale and distribution of chrysotile asbestos and ships an aggregate of over 30,000 tons per year of such material for use in various applications. Although a substantial portion of Union Carbide's shipments of asbestos is made in bulk, an equally substantial portion requires packaging in bags.

As revised, §173.1090 (d) (2) and (3) contemplate the use of bags or other non-rigid packagings. In each case, however, the revised section appears to assume that shipments in bags can always be made in fairly large quantities. Thus, subparagraph (2) permits the use of bags in closed vehicles which are assigned for the "exclusive use" of the consignor. Obviously it would in most circumstances be exceedingly uneconomical for any consignor to operate, or contract for the exclusive use of, a vehicle to transport a shipment of only a few bags of asbestos.

Similarly, subparagraph (3) requires that bags be palletized and unitized. Ordinarily, in commercial sales of asbestos, shipment quantities are sufficient to economically and practically accommodate that requirement. In many cases, however, distributors must ship quantities of only a few bags to meet customer requirements or limitations. Additionally, in the case of sample shipments, only a single bag may be involved.

It is normally impractical, however, for distributors to maintain supplies of pallets of various sizes to accommodate shipments of varying numbers of bags. It is also impractical for distributors or manufacturers to acquire and maintain equipment capable of unitizing pallet loads of widely divergent dimensions.

In the oil drilling industry, for example, customers tend to order asbestos in relatively small quantities. It is also customary, for reasons explained in the enclosed letter from one of Union Carbide's distributors, for such customers to return one or more bags (as "overages") for credit. It would not be realistic to expect oil drillers, frequently at remote locations, to have available either the required pallets or unitizing equipment.

It is respectfully suggested, therefore, that the regulations be further revised to permit shipments of asbestos in dust and sift proof bags which are protected in transit by enclosure in a sufficiently strong outside packaging. Such a revision would make possible the shipment of one or more bags with protection against leakage of asbestos during transportation at least equal to that afforded by palletizing and unitizing.

If the Bureau agrees with the foregoing suggestion, it would appear to be most simply accomplished by revising the initial portion of §173.1090(d) (3) to read as follows:

> (3) Bags or other non-rigid packagings which are dust and sift proof and which are (i) enclosed in a rigid outside fiberboard or wooden packaging, or (ii) palletized and unitized....

In order to assure continuity of movement without excessive interruption, it is requested that the foregoing revision be published to become effective on August 20, 1979, simultaneously with the previously revised §173.1090, or as soon thereafter as possible.

In connection with the currently scheduled effective date of August 20, 1979, Union Carbide is concerned with certain packages of asbestos presently in the possession of distributors located primarily in the eastern portion of the United States. Although such materials are palletized, they do not entirely conform with the new requirements of §173.1090(d) (3) and, therefore, could not lawfully be shipped after August 20, 1979. Since it is unlikely that all such inventory could be finally disposed of before August 20, 1979, it would be necessary, prior to that date, to return at least a portion thereof to Union Carbide's facility at King City, California for repackaging in accordance with the new regulations.

Aside from the additional costs which such a movement would generate, it appears incongruous to require the transcontinental transportation of asbestos in non-conforming packaging, even though such transportation would be lawful prior to August 20. If, on the other hand, such materials were allowed sufficient time to be shipped the relatively short distances from eastern distributors to final destinations, such unnecessary transcontinental movement could be avoided.

Accordingly, it is respectfully requested that the effective date of the new regulations be further extended to October 1, 1979, but solely with respect to asbestos packaged and initially shipped prior to August 20, 1979. It must be recognized, however, that a prompt response to this request is imperative since, if no extension is to be granted, movement to California must commence shortly in order to be completed on or before August 20.

Your courtesy and cooperation in considering the matters discussed herein are greatly appreciated.

Respectfully submitted,

UNION CARBIDE CORPORATION

M. D. Michaud
Assistant Administrator
Hazardous Materials Transportation
Regulations

MDM:jnr

Montello
6106 EAST 32ND PLACE
TULSA, OKLAHOMA 74135
(918) 665-1170 / TWX 910-845-2396

July 16, 1979

Mr. John Myers
Union Carbide Corporation
4625 Royal Avenue
Niagara Falls, New York 14302

Dear John:

We understand that you are meeting with the Department of Transportation in Washington on July 19th. There will be a discussion of the pending regulations covering the transportation of asbestos. This letter is in answer to your request for a review of asbestos applications in the drilling industry, with emphasis on material handling and transportation.

First we would like to establish that asbestos performs a valuable function in drilling fluids. By providing desired levels of mechanical viscosity, cuttings can be more adequately removed from the bore hole, with attendant improvements in penetration rate and bit life. For proof of the efficacy of asbestos in drilling fluids, one need look no further than the fact that users have continued to buy the material since July of 1972, despite the powerful negative incentive of stringent OSHA regulations.

Even the most desirable product will be rejected, however, if it is not consistently available at the right time, in the right place, and in the right quantity. This is especially true in the drilling industry. With rig time now costing in the tens of thousands of dollars per day, the logistics of availability override virtually all other considerations. The problem of product availability is exacerbated by the fact that, with rare exceptions, rig locations are remote from all routine warehousing facilities and transportation.

The use of asbestos in drilling fluids differs substantially from its uses in most other industrial applications. There, shipments frequently involve carload or truckload lots from a source mill to the end user's plant. (Even in smaller lots, delivery of less than a pallet load would be rare.) On arrival at the point of use, the product becomes part of a fairly continuous and predictable flow of raw material through the manufacturing facility. Implicit in every order for materials is the expectation of their complete consumption in making finished goods.

In the drilling industry the delivery of material to the "plant" (drilling rig) is much more complex. A carload originating at the source mill will

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