

PLAINTIFF'S
EXHIBIT

JM-2107

See below

A.A. Cross

Health & Safety at Work etc. Act 1974

January 28, 1975.

Among the additional duties imposed by the Health and Safety at Work etc. Act with effect from 1st April 1975 is that contained in Section 6 whereby manufacturers and suppliers are required to make available to customers adequate information to ensure that products will be safe and without risk to health when properly used. Early action is called for in this connection in view of the need to prepare and possibly print the warnings and information required coupled with the fact that it is our intention to seek, through the relevant trade associations, the adoption of standard practices wherever possible.

I know that in some cases individual Group Companies have already given consideration to the action required under Section 6 and the purpose of this note is to bring you up to date with the way in which we believe the problem should be tackled. At the same time, thought has been given to the possible need to label certain products, the use of which might give rise to health risks.

Generally, these questions have been considered in relation to asbestos and asbestos based products. In the case of Companies whose products give rise to different hazards other procedures will have to be considered.

Section 6

The Asbestos Information Committee (AIC), is already considering a proposal that the asbestos industry should be advised to adopt a paragraph along the following lines (modified as appropriate to take account of the particular materials concerned in each case) for inclusion in sales literature and as a postscript to Conditions of Sale. I should be grateful for your comments so that Cape's representatives on the AIC can be certain that all Cape Companies' views are adequately taken into account:-

"Health and Safety at Work etc. Act 1974

WARNING

(Name of product) { Contains } Asbestos
(Incorporated)

and in common with all asbestos based materials is subject to the requirements of the Asbestos Regulations 1969 and the Health and Safety at Work etc. Act. 1974.

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Certain operations with such materials require precautions to be taken to ensure that they will be safe and without risks to health when properly used.

The publications of the Asbestos Research Council which describe these precautions can be obtained direct from the Environmental Control Committee of the Council, 111 Park Street, London W.1. or from (name of manufacturing company)."

Section 15 (2), Schedule 3, Paragraph 1 (4)

These provisions enable the Secretary of State to make regulations requiring the labelling of any substance. While it is unlikely that this power will be exercised on the 1st April 1975, it is known that asbestos is high on the list of substances regarded by the Factory Inspectorate as dangerous in the workplace and accordingly asbestos products are thought likely to be the subject of a labelling obligation at a fairly early date.

The AIC believes that it would be wise for the asbestos industry to anticipate the likely legal requirement by the introduction of a label at this stage in a form which it believes will reduce significantly the risk of the imposition of a label, probably in a more alarming style, by legislative action.

It is suggested that the label should incorporate a symbol (specimen attached), the purpose of which is to establish a universally recognizable symbol denoting asbestos content in a less prejudicial manner than that adopted, for example, by the Council of Europe for toxic substances. It should, in addition, carry one or a combination of the following admonitions:-

WARNING

- ~ Avoid creating dust.
- Contains asbestos fibres.
- Breathing asbestos dust may cause serious disease.

Similar wording already appears on labels in use by various asbestos fibre producers throughout the world.

Will you please let me know your views with regard to the form of the proposed label and to the recommendation that labelling be introduced in the case of asbestos products at an early stage notwithstanding the absence of a current legal requirement.

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