FILE NAME: Kelly Moore (KM)

DATE: 1975 June 25

DOC#: KM052

DOCUMENT DESCRIPTION: Memo RE New Acoustical Texture Products with Attached Regulation

PLAINTIFF'S EXHIBIT
KM-133

KELLY-MOORE MEMO

TO: See Distribution FROM: John Winslow June 25, 1975

SUBJECT: NEW ACOUSTICAL TEXTURE PRODUCTS

On July 1, 1975, IN THE STATE OF CALIFORNIA, it will be against the law to sell spray type products containing over 1/2 of 1% asbestos.

The only Paco spray type products that do not conform to this ruling are 6373B; 6373L; and 6374H Acoustical Ceiling Texture. These products have now been reformulated to conform to the new regulation and they are currently being shipped to stores in California.

§ 5565 c

The new 31# Acoustical Texture is 6373C
The new 32# Acoustical Texture is 6373M
The new 40# Acoustical Texture is 6374J

§ 5565 c

DO NOT continue to sell 6373B; 6373L; or 6374H to anyone in the State of California after July 1.

We want all Store Managers in California stores to arrange with their factory warehouse (San Carlos and Ontario) for return of their remaining stocks of these products as soon after July 1 as possible. Our customers can still continue to use the products purchased prior to July 1 we just cannot sell them after July 1.

JJW:nmf

John J. Winslow

DISTRIBUTION

CENTRAL AND SOUTHERN DIVISIONS ONLY

District Managers
District Sales Manager
Outside Sales Representatives
Store Managers
Store Supervisors
Bob Miller
William E. Moore
Wes Lackey
Doug Carlston
Don Marquardt (Modesto)
John Brown
Doug Merrill

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142.3 or 6500 of the Labor Code, or of the rules and regulations adopte pursuant thereto.

(Added by Stats.1974, c. 1432, 3135, § 1. Amended by Stats.1976, c. 449, p. 1184, § eff. July 7, 1976; Stats.1978, c. 303, p. 629, § 1, eff. June 28, 1978; Stats.1978, c. 100 p. 3075, § 1, operative July 1, 1979.)

Historical and Statutory Notes

As added in 1974, the section read:

"No person, on or after July 1, 1975, shall cause or permit the spraying of any substance containing more than one-half of 1 percent asbestos in or upon a building or other structure during its construction, alteration, or repair. No person, on or after July 1, 1976, shall cause or permit the spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair.

"Cold process cutback asphalt roof coatings shall be exempted from the provisions of this chapter."

The 1976 amendment rewrote the section to read:

"(a) Except as provided in subdivision (b), no person, on or after July 1, 1975, shall cause or permit the spraying of any substance containing more than one-half of 1 percent asbestos in or upon a building or other structure during its construction, alteration, or repair. Except as provided in subdivision (b), no person, on or after July 1, 1976, shall cause or permit spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair.

"(b) Portland cement plaster containing less than one-half of 1 percent asbestos, and exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bou within the finished product from manufact through application, shall be exempt from th provisions of this chapter until July 1, 197 Cold process cutback asphalt roof coatings sha be exempt from the provisions of this chapte

The 1978 amendment, by c. 303, rewro subd. (a) to read:

"Except as provided subdivisions (b), (c), a (d), no person shall cause or permit the spra ing of any substance containing any amount asbestos in or upon a building or other str ture during its construction, alteration, or pair."; rewrote subd. (b) to read:

"(b)(1) Portland cement plaster containin less than one-half of 1 percent asbestos shall b exempt from the provisions of this chapter unti July 1, 1979."; added pars. (2) and (3) to subd (b) [now pars. (2) and (3) of subd. (c)]; and added subds. (c), (d), and (e) [now subds. (d), (e), and (f)].

The 1978 amendment by c. 1001, amending c 303, substituted in the exception at the begin ning of subd. (a) "subdivisions (c), (d), or (e)" for "subdivisions (b), (c), and (d)"; inserted new subd. (b); and relettered former subds. (b) to (e) to be subds. (c) to (f).

Section 3 of Stats.1978, c. 1001, provided:

"The provisions of Sections 1 and 2 of this act shall become operative on July 1, 1979."

Cross References

Assisting enforcement of section, see Labor Code § 6307.1.
Citing violations, see Labor Code § 6317.
Sealant for asbestos fibers in air duct systems, see Health and Safety Code § 25999.
Temporary restraining order, see Labor Code § 6324.

Code of Regulations References

Classification of violations and definitions, see 8 Cal. Code of Regs. § 334.

Law Review and Journal Commentaries

Asbestos in the work place: What every employee should know. 31 Santa Clara Law.Rev. 423 (1991).

Library References

Health and Environment ⇐33.
WESTLAW Topic No. 199.
C.J.S. Health and Environment § 47.

Treatises and Practice Aids

Witkin, Summary (9th ed) Agency §§ 319 325.