

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 well Tm

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

DO NOT continue to sell 6373B; 6373L; or 6374H to anyone in the State of California after July 1. { 5565 C

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:hmf

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 ✓

67 001

§ 25910

MISCELLANEOUS PROVISIONS

Div. 2

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

(Added by Stats.1974, c. 1432, 3135, § 1. Amended by Stats.1976, c. 449, p. 1184, § 1, eff. July 7, 1976; Stats.1978, c. 303, p. 629, § 1, eff. June 28, 1978; Stats.1978, c. 1001, p. 3075, § 1, operative July 1, 1979.)

Historical and Statutory Notes

As added in 1974, the section reads:

"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 con-

taining encapsulated asbestos fibers bonded within the finished product from manufacturing through application, shall be exempt from the provisions of this chapter until July 1, 1979. Cold process cutback asphalt roof coatings shall be exempt from the provisions of this chapter.

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

"Except as provided subdivisions (b), (c), and (d), no person 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."; rewrote subd. (b) to read:

"(b)(1) Portland cement plaster containing less than one-half of 1 percent asbestos shall be exempt from the provisions of this chapter until 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 beginning 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.