

NOTED
HMB

General Headquarters, Box 91
March 6, 1952

J. C. Kelleher, A.F.D., Montreal

Rules & Regulations Relating to Labeling
in the Use, Handling and Storage of sub-
stances Harmful to the Health & Safety
of Employees

We have examined the regulation of the State of Illinois with reference to labeling asbestos fibre and it is our opinion that in order to comply with the Illinois law, bags containing asbestos fibre should be labeled in the following manner:

CAUTION - ASBESTOS FIBRE

Inhalation of asbestos fibre over long periods may be harmful. The material should be so used as not to create dust or, if this is not possible, employees should be equipped with adequate protective devices.

We have discussed this matter with Dr. Lanza and Mr. Vandiver Brown and it is the opinion of Dr. Lanza that as far as the medical angle is concerned the label is sufficient and it is our opinion that the label complies with the legal requirements of the Illinois statute and the regulations issued thereunder.

Arthur L. Fisk, Jr.

ALF:S

cc K. V. Lindell, Asbestos Mine

JUN 04 '90 14:43

P.5

General Headquarters, Box 91
April 3, 1952

NOTED
FIVE

W. H. Soutar, Asbestos Mine

Sections 3 and 4 of the Health and Safety Act of the State of Illinois (Ill. Rev.Stat. Chapter 48, Sections 137.1-137.21) provide in part as follows:

"It shall be the duty of every employer under this Act to provide reasonable protection to the lives, health and safety of all persons employed by such employer. The industrial commission shall, from time to time, make, promulgate and publish such reasonable rules as will effectuate such purposes."

"To effectuate the purposes stated in Section 3, the Industrial Commission shall make such rules only for:

* * *

(c) The prevention of personal injuries and diseases by contact with any poisonous or deleterious materials, dust, vapors, gases or fumes."

Pursuant to and in accordance with this statutory authority, the Industrial Commission of Illinois has issued "Rules and Regulations Relating to Labeling in the Use, Handling and Storage of Substances Harmful to the Health and Safety of Employees". A copy of Part "J" of said regulations is enclosed herewith.

It is our opinion that under Rule 2, subsection (f) the definition of dust includes asbestos fibre; that Section II, Rule 1 requires the labeling of such fibre and, as you will see, Sections III and IV determine how the fibres shall be labeled.

Arthur L. Fisk, Jr.

ALF:IS
Enc.

When the instruction book is reissued, this statement will be expanded to cover all our board products and will read as follows:

"During cutting, machining, drilling, and sanding operations adequate precautions must be taken to eliminate air contamination by dust resulting from these operations."

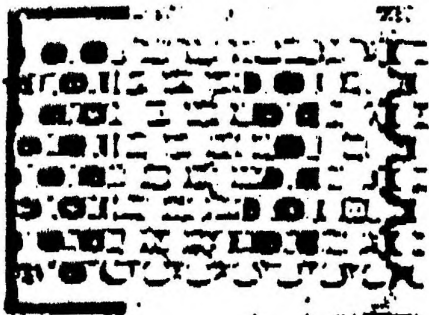
In my opinion, the action we have already taken is the most direct means available to warn the person handling our material of the potential danger which he may face if he continues to work in a very dusty atmosphere and breathes the dust. I believe that since our division has already taken some cognizance of this danger through the publication of an instruction of the need to remove dust plus the fact that we are enlarging on this statement in our new literature, represents all of the action which we need to take at this time.

I recommend that Building Products Division be advised of the steps which we have already taken. Since we have taken what I think to be suitable steps on the matter of cautioning the users of our material about dust, I don't believe that any proposal needs to be submitted to the Senior Officers. The only other division involved is Building Products and once they know of our problem they can take similar steps if they feel it is necessary.

W.G. Hoffer

cc: J.B. Jobe
file

*16 Aug '58 - Advised that this is only
thing we can do from a competitive angle.
It isn't a good sign ans. - but a good business ans.
JWH*



RECEIVED
AUG 11 1958

[Handwritten signature]
.....
.....
.....

August 11, 1958

D. L. Himmon

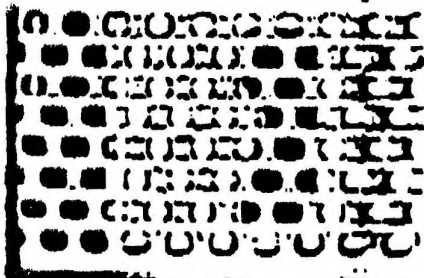
Marinite Dust
Your letter Aug. 5 to K. W. Smith

Ken and I reviewed this matter with Messrs. W. G. Hoffer and H. M. Ball and concur in the recommendations made by Mr. Hoffer in his letter of July 29 to you.

The statement in the instruction book which will reach the job foreman and the man doing the actual work will place the desired information in the hands of those for whom it is intended and is most important.

H. M. Jackson

cc: J. B. Jobs
H. M. Ball



Division Headquarters
August 15, 1958

W. G. Hoffer

~~A~~ Marinite Dust
Your Letter July 29, 1958

I concur with the recommendations made in
your letter of July 29th on the above
subject.

Please proceed to carry out these
recommendations.

Don L. Hinmon

cc: J. B. Jobe
H. M. Ball
file

Dr. E. W. Smith
North Bay Plant - Read for arrival Oct. 11.

TELETYPE MESSAGE

T. D. 10/10/60

Transmitting urgent request of Art Jameson, we need data for warning
message on bags of J-Spray, J-M's asbestos spray-on fireproofing material. Materials are
25% 5K fibery remainder mineral wool, bentonite and sodium nitrite, repeat nitrite.
Material applied by outside contractors through spraying machine similar to rock wool
blowing machine used for home insulation except fine water spray impinges on the material
as it emerges from nozzle causing wetted mass which sticks on ceilings and steel work to
be fireproofed. Some dusting results through incomplete mixing. Please wire your comments
T.D. with copy to A. L. Fisk, GHD.

PRIVILEGED

E. G. Koch

cc: A. L. Fisk, E. P. Owens
PRINT OR TYPE IN PINK

J-M 83

SENDER

FORM 5-11A

WHY FILE THIS!

000069

GP

JUN 04 '90 14:44

P.6

NOTED
HMB

A.F.D. MONTREAL
April 23, 1952.

Arthur L. Fisk, Jr. - General Headquarters, Box 51

— Rules & Regulations Relating to Labelling
in the Use, Handling and Storage of sub-
stances Harmful to the Health & Safety
of Employees
3/6

We have read and discussed your comment regarding the labelling of asbestos for shipment into the State of Illinois with other producers interested.

Before proceeding with the troublesome task of complying with these regulations, we would like to be sure :-

That we must label our bags.

That "Asbestos" is specifically referred to in the regulation.

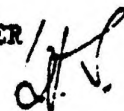
That a penalty exists if we fail to comply.

What other states have similar requirements.

What we are really after is a decision that it is compulsory to do the labelling job as a Canadian producer, and that there is no other way out.

Can you help us further in this direction?

J. C. KELLEHER



JCK/T

cc: K. V. Lindell - Asbestos 1500

General Headquarters, Box 91
May 2, 1952

J. C. Kelleher, A.F.D., Montreal

Rules and Regulations Relating to Labeling
in the Use, Handling and Storage of Substances
Harmful to the Health and Safety of Employees
April 23, 1952

Answering the question contained in your letter, presumably as the State of Illinois does not have jurisdiction over Canadian Johns-Manville, it could not require us to label our bags. On the other hand, it could require our customers to label the bags.

The word "Asbestos" is not particularly referred to in the regulation but the following, in the opinion of the Legal Department, covers asbestos:

"Dust. Solid particles generated by handling, crushing, grinding, rapid impact, detonation and decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc. A dust does not tend to flocculate except under electrostatic forces; it does not diffuse in air but settles under the influences of gravity."

Penalty for failure to comply is a fine of not less than \$25 and not more than \$100 for the first failure and a fine of not less than \$50 and not more than \$200 for each subsequent failure.

At the present time I do not know of any state having a similar statute, but most probably similar statutes will be adopted by other states.

* In our opinion it is compulsory that the bags of asbestos fibre handled or stored in Illinois be labeled in the manner described in my letter of March 6, 1952. If we do not do it, our Illinois customers will have to do it.

ALF:S

Arthur L. Fisk, Jr.

CONFIDENTIAL

~~T. J. Felly~~

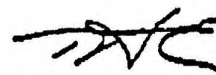
Division Headquarters
June 18, 1958

Marinite Dust

Attached is a letter by V. B. Padham in which he is calling to our attention, a situation in which J-M may in the future have some responsibility.

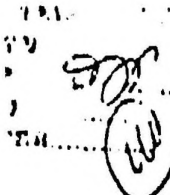
I would appreciate your review of this letter and give me the benefit of your thinking in regard to the company liability.

It has been suggested by Mr. Flavin that possibly a statement could be made in our literature calling attention to the potential hazard in confined quarters.


T. H. Eaton

cc: E. D. Flavin
V. B. Padham - Nashua
file

AL 140-544-2

439DA
441DA
449DACONFIDENTIAL

July 1, 1958

T. H. Eaton

Marinite Dust

I have discussed your memorandum of June 18, 1958 with Hugh Jackson.

V. B. Padham is to be commended for his discovery of the situation existing at the Newport News Shipbuilding Yard. I think this is a matter that may result in extensive legal liability in the future unless it is properly handled.

The important feature is that the employee who is using a saw on Marinite should know what the precautions are that must be taken. Placing a statement in the literature does not carry to the employee the information he should have. It is suggested that a label be placed on the back of the sheets of Marinite. Hugh Jackson and I will be glad to give you the copy required for these labels. We have had the same experience in caution labeling on Celite products.

I am sending copies of this letter to Hugh Jackson and Al Schmidt of the Insurance Department since this is a matter which will increase our premiums on product liability insurance if any law suits are brought against us for failure to warn of the potential hazard.

Herbert Morton Ball

cc E. D. Flavin
V. B. Padham, Nashua
H. M. Jackson
A. M. Schmidt

CONFIDENTIAL

Herbert Morton Ball

Division Headquarters
July 7, 1958

Marinite Dust

I appreciate your appraisal of the situation in connection with our Company's exposure when Marinite sheets are cut on the job, resulting in a considerable amount of dust.

In order that we may give further consideration to the proper labeling of all Marinite products, I would appreciate it if you would give me the copy required for these labels. Mr. Jackson is on vacation and I would like to get this under way before his return.


T. H. Eaton

cc: E. D. Flavin
J. B. Jobs
V. B. Padham - Nashua
H. R. Jackson
A. M. Schmidt
file

July 10, 1958

T. H. Eaton

Marinite Dust

The enclosed copy of K. W. Smith's letter is self-explanatory. Herb Ball and I concur that the decision to use a label should be made by our senior officers.

William P. S. Breese

Encl.

cc: K. W. Smith
K. D. Flavin
J. B. Jobo
H. M. Jackson
A. M. Schmidt
V. B. Padham - Nashua

July 9, 1958

W. P. S. Breese

Caution Label
Marinite

Following is the wording of the proposed caution label for Marinite sheets which we discussed yesterday.

Caution

Marinite is composed of asbestos fibre and calcium silicate.

Inhalation of dust produced in sawing, drilling or trimming this board may be harmful.

Avoid breathing this dust.

Dust should be kept at a safe minimum by proper controls. If this is impossible, respirators approved by the U. S. Bureau of Mines are recommended.

In my opinion, the use of this label should be given very careful consideration. If we apply it to one of our products such as Marinite, I believe that we would have to apply it on several other products such as Transite, Flexboard and certain pipe covering materials. I believe that such a move should be a policy decision made by our Senior Officers.



Kenneth W. Smith, M.D.

copy

Division Headquarters
July 29, 1958

D.L. Hinmon

MARINITE DUST

The matter of a caution label on Marinite has been discussed with Dr. Smith and Mr. Ball. Our discussion covered all board products, not just Marinite.

As Mr. Ball indicated in his letter of July 1, 1958 to T.H. Eaton, the important thing for us to do is provide the employee who is sawing or sanding Marinite - or any board product for that matter - with suitable information so that proper precautions can be taken.

How do we disseminate this information? A label could be used. However, because sheets are sometimes faced with other materials after they leave our plant the label would be covered and not seen by the person doing the fabricating. Where sheets are not faced or painted, many labels would have to be used on both faces to make certain that all persons who cut, sanded and drilled the pieces were suitably warned.

We have many competitors in the board products field. A caution label on our products - and none on theirs would make our selling efforts most difficult. Until the entire industry takes such action, we should consider other means of communicating with the users of our materials.

Mr. Ball's letter of July 1 also indicates that placing a statement in literature does not carry to the employee the information he should have. On most sales promotion pieces and brochures this would be the case. In the case of board products, we have a different type of literature - namely, an instruction book covering cutting, drilling and machining Transite and Ebony products. The purpose of this instruction book is to reach the shop foreman and the man doing the actual work to instruct them on the proper method of handling our materials. This has been in use for several years. It is now being revised to include data on all our other board products. The old instructions carried a note on dry cutting - "In dry cutting there must be available the proper equipment to remove dust"