TURNER & NEWALL LTD MANCHESTER

FROM: J. M. Atkinson

TO: JHR/DCH/DGH/EPG/BEH/AN/JGS/TAF

COPY TO: BL/NFH/WPH/HCL

PLAINTIFF'S EXHIBIT
JM-2106

16th January 1975

Health and Safety at Work etc. Act 1974

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 Unit 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 those most closely concerned at T&N 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 and in the case of Unit Companies whose products give rise to different hazards this circular is accompanied by a separate note.

Section 6

It is proposed to recommend to the Asbestos Information Committee (AIC), who are already considering the whole question, 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. However, before the proposal is put forward formally I should be grateful for your comments so that T&N's representatives on the AIC can be certain that Unit Company views are adequately taken into account:-

"Health and Safety at Work etc. Act 1974

WARNING

[FERODESTOS] products are [asbestos reinforced plastics] and in common with all asbestos based materials are subject to the requirements of the Asbestos Regulations 1969 and the Health and Safety at Work etc. Act 1974.

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.

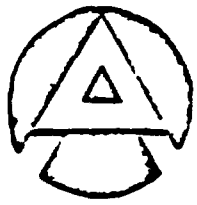
The publications of the Asbestosis Research Council which describe these precautions can be obtained direct from the Environmental Control Committee of the Council, 114 Park Street, London W.1. or from [TAC Construction Materials Ltd/."

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 as dangerous in the workplace by the Factory Inspectorate 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 with which it is itself satisfied in the belief that this will reduce significantly the risk of the imposition of a label by legislative action.

It is suggested that the label should take the following form:-

WARNING Avoid creating dust Contains asbestos fibres Breathing asbestos dust may cause serious disease	
TAKE CARE WITH ASBESTOS	

Similar wording already appears on labels in use by asbestos fibre producers both within T&N and elsewhere throughout the world.

Will you please let me know your views with regard to the form of the proposed label and to the recommendation

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that labelling be introduced in the case of asbestos products at an early stage notwithstanding the absence of a legal requirement.

J. M. ATKINSON

JMA/MRE
Enc.

The above proposals have been prepared in conjunction with:-

B. Lincoln, Group Environmental Co-ordinator

M.F. Howe, Deputy Chairman, AIC

W.P. Howard, Secretary, AIC

Dr. H.C. Lewinsohn, Group Medical Officer
