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November 28, 1972

Mr. J. H. Kelly
Bendix Corporation
1217 S. Walnut Street
South Bend, Indiana 46621

Dear Jack:

This concerns our discussion concerning labeling requirements where brake linings are being shipped to customers.

In attempting to determine what practice one must use, OSHA has stated that if one is meeting the spirit of its regulations it will not be cited for violations. As a result of this, it becomes necessary to interpret some of the OSHA regulations. I am enclosing with this letter copies of letters written by the Executive Secretary for the Asbestos Information Association (AIA/NA). You will note on these reports that Mr. Armstrong, from Bendix corporate headquarters, attended these meetings.

There is absolutely no question concerning the requirements for labeling where loose asbestos is being shipped. The big problem develops where members are shipping what the AIA and OSHA refer to as locked in asbestos products - brake linings, brake blocks, clutch facings, etc. When customers of yours drill linings, chamfer linings, cut linings, or grind linings, they may very well raise the asbestos concentrations in the atmosphere to above the OSHA standard. Some members have indicated that the drilling and grinding operations are problem areas in brake lining factories with existing exhaust systems. Therefore, if a customer of yours started drilling or grinding without having proper dust collectors, he would probably be in violation of the OSHA standard. It therefore becomes your responsibility, as the supplier of the brake lining, to warn the customer of this possibility. The form which the warning takes is still not definite but the best guidance seems to be if you meet the spirit of the regulations you will not be cited for a violation. Therefore, if you would put in every one of your skids, or cartons, or pallets, a warning notice to the effect: "Power tools without dust collectors should not be used for machining, cutting, or sanding this product." If a notice such as this were enclosed with every carton, or stenciled on the outside of the carton, it is likely that you would be meeting the spirit of the regulations. If you were to write your customer and tell him about this with every shipment made, you would probably be also meeting the spirit of the regulations. If you send a one time letter to your customer saying this, it is hard to say whether you would be meeting the spirit of the regulations.

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I am enclosing a copy of the warning label suggested in the OSHA regulations where loose asbestos fibers are being shipped, and the "Instruction Sheet" suggested where a customer is to do further machining on clutch facings, brake lining, etc.

I hope this is enough information for you. Dave Stone attended our most recent Asbestos Study Committee Meeting where the subject of labeling was brought up. Your Mr. Armstrong is aware of some of the controversy concerning labeling. The current survey indicates that no members are now labeling shipments. A slight majority of those responding to date indicate that they interpret the OSHA regulations to require some kind of a warning where subsequent work is to be done on brake linings. This is controversial item for the Institute in that some members feel that one or two companies are trying to railroad them into labeling. Another group of companies feel that we should comply with the spirit of the law now and it is not fair if they do the proper labeling and their competition does not.

Sincerely,

FRICTION MATERIALS STANDARDS INSTITUTE

E. W. Drislane
Executive Director

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