3906-B

cc: MV- Mr. Sayres
PV- Mr. Hines
BT- Mr. Bauer

MEMORANDUM

In Reply to _____ *Date* 2/18/76 *From* BBH *To* FV- Mr. Thompson

Subject SHIPMENT OF HAZARDOUS MATERIALS

PLAINTIFF'S EXHIBIT

BIR-861

Reference is made to our telephone conversation on February 17, 1976 concerning the shipment of flammable and combustible liquids.

Attached for your information and guidance is a copy of a memorandum from Mr. Bauer - BT, subject, "New Definitions for Flammable and Combustible Liquids." Bird PVC Cement and Bird PVC Surface Primer come under the Flammable Liquid classification and should be packaged, labelled and shipped accordingly. NOTE #1, under References on page 2 describes the flammable liquid label.

If you have any questions concerning these classifications, please let me know.

PHDonahue/rp
Attach.

Spoke to Kirklin - He said that have never used the red label. I called Bauer and he said that it

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cc: MS- Mr. Colvin
BT- Mr. Bauer

MEMORANDUM

In Reply to *Date* 2/18/76 *From* BBH *To* PSL- Mr. Kirklin

Subject SHIPMENT OF HAZARDOUS MATERIALS

Reference is made to our telephone conversation concerning the flash points of the solvents used in the manufacture of various cements, coatings, and primers at FS.

Attached for your information and guidance is a copy of a memorandum from Mr. Bauer - BT, subject, "New Definitions for Flammable and Combustible Liquids." The change in the definition of flammable liquids increases the flash point to 100°F., when tested by the TAG closed cup tester. You will note that a new class of hazardous materials, "combustible liquids," has been established, and it is defined as having a flash point of between 100°F. and 200°F. (TAG c.c.).

If you have any questions concerning these classifications, please let me know.

PHDonahue/rp
Attach.

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MEMORANDUM

In Reply to _____ *Date* 1/7/76 *From* F. K. Bauer - BT *To* Mr. W. S. Kimball - BT
Mr. Len Weaver - BBH

Subject NEW DEFINITION FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

Effective January 21, 1976, the Department of Transportation regulations governing the transportation of Hazardous Materials are amended to provide new definition for Flammable and Combustible Liquids as follows:

Flammable Liquids

Changed from the present 80°F., open cup method, to 100°F., by the closed cup method.

Combustible Liquid

In addition, any product with a flash point between 100°F. and 200°F. will now be regulated as a combustible liquid. The combustible classification applies only to products transported in bulk.

These changes will affect a greater range of products and will require a revision in our shipping procedures where applicable. By copy of this memo, I am requesting L. W. Weaver to determine which Bird & Son's products are affected and to advise the appropriate plants accordingly.

It is also recommended that Corporate Purchasing conduct a survey among our vendors to ascertain that they are aware of the new regulations and that their shipping containers and documents are marked accordingly.

In summary, the regulations for Flammable Liquids are as follows:

Truck, Piggy-back and Box Cars (Common Carrier, Contract Carrier and/or Private Carriage)

1. Containers: Shipper must apply a red label for Flammable Liquids on each package (Note #1).

2. Marking/Placard: Placards denoting "Flammable" shall be applied externally on each vehicle by the carrier (Note #2).

3. Bill of Lading: (A) Shipper must indicate that the red label for Flammable Liquid were applied. (Notes #3 and #4)

   (B) Material shall be described by the shipping name and by freight classification. As example:

   CEMENT, LIQUID N.O.S.
   Flammable Liquid

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MEMORANDUM

In Reply to _____ *Date* 1/7/76 *From* F. K. Bauer - BT *To* Mr. W. S. Kimball - BT
cc: Mr. Len Weaver - BBH

Subject NEW DEFINITION FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

Tank Truck and Tank Cars

1. Marking/Placard: Placard denoting "Flammable" shall be applied externally on each vehicle by the carrier (Note #2).

2. Bill of Lading: (A) Shipper must indicate that dangerous markings or placards ("Flammable") have been applied (Note #4).

   (B) Material shall be described by the shipping name and by freight classification.

The regulations for Combustible Liquid are:

Tank Truck and Tank Cars

1. Marking/Placard: Placard denoting "Combustible Liquid" shall be applied externally on each vehicle by the carrier (Note #5).

2. Bill of Lading: (A) Shipper must indicate that dangerous markings or placard ("Combustible Liquid" or "Flammable") have been applied (Note #4).

   (B) Material shall be described by the shipping name and by freight classification.

REFERENCES:

Note #1 - Flammable Liquid Label: Each label must be red, with the inscription "Flammable Liquid", border, and "Flame" symbol in black. The label shall be four (4) inches by four (4) inches.

Note #2 - Placards for Flammable Liquids: Each vehicle containing Flammable Liquid, 1,000 lbs. or more gross weight shall be placarded with the inscription "Flammable" in four (4) inch red letters on white background. The placard must be one (1) inch higher at top and bottom than the inscription.

Placards shall be placed on the front, rear and both sides of vehicle (Note: The front placard may be on the truck or tractor in lieu of the trailer or semi-trailer.)

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MEMORANDUM

In Reply to _____ *Date* 1/7/76 *From* F. K. Bauer - BT *To* Mr. W. S. Kimball - BT
cc: Mr. Len Weaver - BBH

Subject NEW DEFINITION FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

Note #3 - The notation must be placed immediately following each proper shipping name or freight classification, i.e., may not appear at the bottom of the Bill of Lading for several different products.

Note #4 - Quantity by Weight, Volume or as otherwise appropriate must be shown on the Bill of Lading.

Note #5 - Placards for Combustible Liquids: Each vehicle containing Combustible Liquid in quantities exceeding 110 gallons shall be placarded with the inscription "Combustible Liquid" or "Flammable" in four (4) inch red letters on a white background. The placard must be one (1) inch higher at top and bottom than the inscription.

Placard shall be placed on the front, rear and both sides of vehicle. (Note: The front placard may be on the truck or tractor in lieu of the trailer or semi-trailer.)

There are minimum exemptions to the above regulations which briefly are for quantities of less than one quart capacity.

Compliance with these regulations are mandatory as violators are subject to stiff penalties.

FKB/kag