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1975 Letter to Ed Fenner at SM on Calif. from Lawyer for Textured Coatings of America re California code changes

File. Calif Legis

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CABLE ADDRESS
RICHWAT

December 12, 1975

Paints
Coat

Mr. Edmund M. Fenner
Johns Mansville Co.
Greenwood Plaza
Denver, Colorado 80216

Re: Asbestos Legislation

Dear Mr. Fenner:

We have been asked by Textured Coatings of America, Inc. to represent their interests in achieving new or amended legislation affecting the use of asbestos products, the manufacture and application of which present no health problems.

As you know, Section 25910 of the California Health and Safety Code (in its current form, per AB 2419, adopted by the 1974 Legislature, copy enclosed) has, because of its broad wording and limited exceptions, given rise to problems for industry, labor and the general public. The result has been to potentially limit the use of products, not initially intended to be covered by this Act, and which are themselves demonstrably safe and desirable.

In the closing days of the 1975 Session of the Legislature, an effort to obtain relief through the adoption of an Amendment to Section 25910 was nearly successful, but failed because of a failure in communication, and a lack of coordination between the various parties concerned in clarifying the effect of this law.

Accordingly, it is respectfully suggested that an effort be now made to coordinate the efforts of many (if not all) of the interested parties, looking to a successful Amendment in the early part of the upcoming 1976 Legislative Session.

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JM - 83

With your permission, and hopefully your cooperation, we are, per TCA request, undertaking that coordination.

It is important that the ultimate Amendment which will be proposed have the support of all concerned parties. It is important that the Amendment achieve both clarification of existing law and the protection of those portions of labor and the industry which require protection within the proper Administration of this Section. It is particularly important that an early effort be made to determine the thinking of the principal parties of interest, and to be sure that there is mutual agreement, prior to asking members of the Legislature to take specific steps on our behalf.

Accordingly, Mr. Fenner, we request that you promptly reply to this communication, indicating your reactions. If you agree with our effort to coordinate, we would then request that you inform us concerning what current legislative contacts you are pursuing (if any), and indicate whatever specific proposals you may have as to the wording for the Legislative Amendment.

On our part, we offer to develop a satisfactory Amendment for legislative introduction, and to clear with each of you the wording and the supportive steps which we intend to initiate.

It is hoped we can mutually achieve a front wherein conflicting efforts, claims, or legislative contacts, will not be made -- thus hopefully strengthening rather than confusing the next united legislative effort.

Since we intend to initiate an Amendment which will have the effect of exempting only those products containing relatively small amounts of asbestos, the manufacture and use of which demonstrably result in no health hazard, we feel a coordinated legislative effort should not be extremely difficult. It is, however, equally apparent that if no effort is made, or if the effort is not properly directed and coordinated, a failure to achieve any significant amendment could result in substantial direct detriment to the businesses and industries involved, and indirect detriment to labor and the general public.

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JM - 83

Reply to this communication involves, of course, no financial obligation by you to our office. We are serving as attorneys for TCA in this Project. It is assumed they would welcome any support which may be offered by those portions of the industry desiring to cooperate with them.

We look forward to your early reply.

Sincerely,

Richard Richards

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CALIFORNIA HEALTH AND SAFETY CODE

Chapter 10.3 SPRAYING OF ASBESTOS [NEW]

Sec. 25910. Prohibition; exemption.

§ 25910. Prohibition; exemption

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 above was enacted into law at the end of the 1974 Legislative Session.)

(-- We propose to initiate appropriate Amendments to the above.)

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