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PLAINTIFF'S EXHIBIT 1 12-5-00

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

WILLIAM HARDCASTLE, ET ALet al., Plaintiffs, vs. ADVOCATE MINES, LTD., ET ALet al., Defendants.	CASE NO. 830058-2 DECLARATION OF ERNEST H. PRONSKE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES DATE: December 4, 2000 TIME: 10:00 a.m. DEPT: 20

I, Ernest H. Pronske, declare:

1. I am the former President of J-M Manufacturing, Inc., and a former Vice President of both J-M Manufacturing, Inc. and J-M A/C Pipe Corporation. I make this declaration of my own knowledge and if called as a witness, I could and would testify as set forth herein.

2. During the period from 1983 to 1987, J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation shared corporate officers. As of July 1, 1983, R. Chi

EXHIBIT 34 1-15-09 Lin

was President of both corporations. From March 15, 1984 to June 15, 1986, W. Wong was President of both corporations. Effective March 15, 1985, J. Chen, E. Chen and I were Vice Presidents of both corporations, and M. Kuo was Treasurer of both corporations.

3. During the period from 1983 to 1987, there was a single Policies and Procedures Manual which applied to both J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation. Attached as Exhibit 1 is a true and correct copy of the face page of the Policies and Procedures Manual in effect during part of that time, showing the titles of both corporations.

4. During the period from 1983 to 1987, it was generally true that employees at the plant located at 1051 Sperry Road, Stockton, California ("the Stockton plant") whose primary duties were in the pvc pipe operation were classified as employees of J-M Manufacturing Company, Inc. Employees whose primary duties involved the production of asbestos cement pipe were classified as employees of J-M A/C Pipe Corporation. However, there was some overlap of duties between employees of the two groups, and overall supervision of the plant operation was the responsibility of a single plant manager. I am familiar with an employee from that period named Cecil Bonzo. Mr. Bonzo worked primarily in the asbestos cement pipe operation, and was therefore classified as an employee of J-M A/C Pipe Corporation. However, Mr. Bonzo's supervisor was the plant safety manager, classified as an employee of J-M Manufacturing, Inc.

5. During the period from 1983 to 1987, J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation shared the same liability insurance coverage and the same workers compensation insurance coverage. In addition, all employees at the Stockton plant were covered by the same benefit plans.

6. During the period from 1983 to 1987, there was a single Corporate Safety Program for the Stockton plant, in the name of both J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation. Attached as Exhibit 2 is a true and correct copy of the Corporate Safety Manual in force during part of that time.

7. During the period from 1983 to 1987, J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation used the same corporate forms. Attached as Exhibit 3 are true and correct copies of some of the forms used during that time.

8. In January, 1987, Dr. E.E.Wang was employed by J-M Manufacturing Company, Inc. as Manager, Environmental Control. One of Dr. Wang's duties was to prepare Material Safety Data Sheets for all products manufactured at the Stockton plant for which they were required. Attached as Exhibit 4 is a true and correct copy of a Material Safety Data Sheet prepared by Dr. Wang for transite pipe, a product of J-M A/C Pipe Corporation, on January 30, 1987.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of November, 2000, at 8:30 AM, California.

Ernest H. Pronske

ERNEST H. PRONSKE

DEC 06 1996

J-M MANUFACTURING COMPANY, INC.
J-M A/C PIPE CORPORATION

J-M POLICY AND PROCEDURE MANUAL

APRIL, 1986

J-M MANUFACTURING COMPANY, INC.

J-M A/C PIPE CORPORATION

C O R P O R A T E S A F E T Y P R O G R A M

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STATEMENT OF CORPORATE SAFETY POLICY

As management, we at J-M Manufacturing Company and J-M A/C Pipe Corporation recognize our responsibilities to establish a policy in the interest of safety. The safety and health of employees at J-M is of primary importance. It is the policy of this Company to provide safe and healthful working conditions and operating practices that will ensure a safe work environment for employees.

All levels of management have a primary responsibility for the safety of all employees. The employee in turn is expected to adhere to the regulations and policy outlined by the Company. Management and supervisors at all levels will assure that a safe place to work is provided for all employees. Employees will be expected to assist in uncovering unsafe working conditions or unsafe equipment by reporting such conditions or equipment to their supervisors.

In order for this safety program to become effective, managers of each department must personally take a serious interest in safety. It must be pointed out that safety is the responsibility of every executive, every manager, every supervisor, and every worker within each one's scope of action.

These responsibilities can be met only by working continuously to promote safe work practices among all employees and to maintain property and equipment in safe operating conditions. By working together, we can maintain a safe working environment for all employees.

Signed: E. Edward Wang
MANAGER, ENVIRONMENTAL CONTROL

W. M. Burnett
VICE PRESIDENT, OPERATIONS DIVISION

[signature]
PRESIDENT OF THE COMPANY

ACKNOWLEDGEMENT OF RECEIPT OF COMPANY'S SAFETY RULES

I have received and read a copy of Company's Safety Rules, and agree to follow all rules as a condition of my employment. I will ask my supervisor if I do not understand any of the rules.

If I find any unsafe conditions, I will report them to my supervisor.

SIGNATURE OF EMPLOYEE _____ DATE _____

Copy to be returned to personnel department.

OBJECTIVE OF SAFETY PROGRAM

It is the objective of J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation to implement an effective safety program in order to minimize injury and suffering to employees, promote maximum efficiency of operations throughout the Company.

The broad objective can be successfully achieved by initiation and continued observance of the following:

1. Planning all work to minimize personal injury, property damage, and loss of productive time.

2. Maintenance of a system for prompt detection and correction of faulty procedures, unsafe practices and conditions.

3. Making available and enforcing the use of personal protective equipment and all necessary mechanical guards.

4. Establishing an effective system of tool and equipment inspection and maintenance.

5. Institution of an educational program to maintain interest and cooperation of all levels of employment through (a) investigation of all accidents to determine cause and initiation of prompt corrective action, (b) regular effective safety meetings, (c) posting and enforcing minimum safety requirements for all job operations, (d) use of bulletins, posters, and other appropriate visual aids.

BASIC SAFETY PROGRAM

I. Purpose:

The purpose of this program is to effectively guide the company employees in the pursuit of safety. Efforts directed to reduce accidents will succeed only to the degree that all management personnel apply the principle that safety is an operating responsibility and demands the same executive direction and control given to increasing efficiency of production.

II. Supervisor Activities -- BASIC:

Specific safety functions are assigned to supervisors. They are designed to involve the supervisor in all areas of the program because it is only through their active participation and support that the program can be successful. These activities can be related to the acronym B A S I C, indicating they are fundamental, but essential to the program. They are:

B-Basic Training
A-Accident Investigation
S-Safety Meetings
I-Inspections
C-Counseling Individual Employees

- Basic Training:

Supervisors are required to participate in an indoctrination program for new employees. The purpose is to make certain that the employee receives the necessary information to begin work. Training progress of new employees must be closely monitored by supervisors to insure the employee is performing the job as instructed and doing it safely. This orientation checklist will become a permanent part of the personnel file.

checklist needed in person file ?

- Accident Investigation:

Supervisors will conduct investigations of all injuries to their employees. The Accident Investigation Report will be completed to include corrective action taken, and forwarded to the plant manager for review within two days. The safety officer will maintain accident report files.

The responsibility to conduct an accident investigation is one which cannot be taken lightly. The reason is obvious! It is the only way to systematically establish all the facts concerning how and why an accident occurred, and then take action to prevent a recurrence.

This responsibility lies with the immediate supervisor of the injured employee. His job is to gather all available information from the injured employee, witnesses, the scene, etc. then apply his experience in evaluating that information and report his idea of what happened, how it happened, why it happened and what has been done to prevent a recurrence.

Following are some basics on how to get the facts:

1. Remind the employee of the investigation's purpose. If the employee is afraid of ridicule, reprimand, etc., he probably will not help in identifying the facts. He must understand the purpose is NOT to find fault.

2. Let the employee tell his/her story at the scene. His story should include what he was doing, how he was doing it and what happened. Let him complete his story without interruption.

3. Ask questions. The supervisor must be sure he clears up any misunderstandings.

4. Check understanding. The supervisor should describe the accident as he understands it, checking key points.

5. Discuss how to prevent recurrence. The supervisor must cover specifically what needs to be done to prevent recurrence. Here the employee's opinion could be valuable. This step must be covered to conclude a useful accident investigation.

- Safety Meetings:

  Supervisors are required to hold safety meetings regularly for their employees. Prepared safety talks will be distributed periodically. Supervisors are encouraged to present information applicable to their employees' jobs, hazards, injury experience, etc.

- Inspections:

  Each supervisor is expected to conduct a planned inspection on his areas of responsibility at least once a week. These inspections are to be conducted for each shift. A summary of the inspection results will be forwarded to the plant manager.

  It is important that the supervisors' weekly inspection be planned, not incidental. By incidental, it means just keeping our eyes open for unsafe acts or conditions. This type of inspection should be taking place continuously. The planned inspection is deliberate and thorough. When the supervisor sets out on the inspection, he has in mind out-of-the-way areas to check, specific tools, machines, or processes; specific conditions to look for, etc. Nothing is left to chance.

Counseling of Individual Employees:

From time to time, it is necessary to counsel employees on an individual basis for various reasons (unsafe acts, injury, adherence to safety rules, etc.) The topic of discussion should always have specific application for the individual counseled. This feature of the program helps to reinforce with employees management's committment to safety.

POSITION RESPONSIBILITIES

It is the Company's policy that all employees accept personal responsibility for the successful operation of the safety program as outlined below.

I. Plant Manager:

As part of the cooperative effort to reduce needless waste and personal injury, plant managers will manage the development of a practical and effective safety program.

It shall be their responsibility to maintain an interest and participate in accident control through (1) review and action of accident control records, (2) review of recommendations submitted by the safety inspectors, and appropriate corrective action taken by the managers, and (3) issue letters and bulletins concerning accident prevention problems as required.

II. Personnel Or Employee Relations Manager:

It is the responsibility of the personnel manager to assure that planned safety is observed by issuing instructions to all supervisors, holding them responsible for preventing all accidents, and requiring them to comply with all provisions of the safety program by (1) maintenance of the accident record and reporting system, (2) maintenance of interested participation in safety through regular attendance at safety meetings, and (3) initiation of corrective action in response to safety recommendations.

III. Safety Officer/Supervisor:

It is the job of the safety officer/supervisor to effectively administer the safety program to the working employee by (1) review and supervision of the use of the accident report and investigation form, (2) maintenance of the Accident Record summary, (3) preparing the necessary insurance and regulatory jurisdictional reports for transmittal to the manager, (4) filing and keeping custody of all job accident records, and (5) controlling and supervising dispensing of safety equipments.

IV. Foreman:

All foremen are an integral part of safety work and the amount of effort they expend toward accident prevention in their daily assignments helps determine whether or not a good safety record is established. The responsibilities of the foreman include (1) instructing personnel under his supervision in safe work practices and work methods at the time they are given work assignments, (2) determining that all personnel have the proper protective equipment and suitable tools for the job before starting work and that it is used, (3) constantly checking to see that no unsafe practices or conditions are allowed to exist anywhere under his jurisdiction, (4) setting a good example for his men, (5) acquainting his men with the safety requirements and insuring that they are enforced, (6) making a complete

investigation of accidents involving his men to determine facts necessary to take corrective action, (7) promptly completing the Accident Report and Investigation Form and forwarding it to the safety officer, and (8) holding weekly safety meetings with his men to discuss observed unsafe practices and conditions, the accident experience of his men and the correction of the accident causes, and safety suggestions with his men.

CONTROL OF SAFE WORKING CONDITIONS

Positive controls should be accomplished to assure that all areas and equipment are properly maintained and free from easily recognizable hazards.

Supervisory personnel should be required to inspect work areas and equipment on a scheduled basis and to correct all deficiencies noted. Reports of the inspection results should be made and sent to the safety officer.

Maximum use should be made of technical specialists provided by the casualty and fire insurance carriers, the State Labor and Health Department and related agencies. Distribution of recommendations developed by these agencies will be directed to the supervisor in charge with a formal follow-up procedure being established.

TRAINING AND SUPERVISION OF EMPLOYEES

Since many industrial accidents are caused by unsafe acts and they are related directly to the lack of adequate job training, supervisory personnel will be required to thoroughly train and supervise each new or transferred employee in proper job performance and safety requirements. Rules and procedures should be established and posted for safe performance at all job sites.

Immediate supervisors should evaluate driving techniques in the proper equipment along with vehicle maintenance procedures for all personnel who drive or operate company vehicles or equipment. Deficiency should be reported and corrected immediately.

Driver records should be maintained for all drivers of motor vehicles in order that special training or assistance may be provided promptly where needed. Short safety meetings should be held on a regular scheduled basis, at which time various pertinent safety subjects will be discussed.

SAFETY INSPECTIONS

Safety inspection is another method of detecting potential accident causes. Safety inspection includes observing work operations, material and equipment usage, and the working environment in general. These inspections are a continuous part of all supervisory duties; they are a daily requirement of supervisory responsibilities for planning, observing and instructing his men. Meaningful safety inspections are the result of the supervisor's ability to recognize unsafe acts or conditions. This ability can be developed by applying common sense safety principals to the knowledge of work operations, and by knowing why past accidents happened It can easily be seen why accident reports and investigations are essential to the safety program. The mistakes of the past are the knowledge of the future.

SAFETY MEETINGS

I. Monthly Meetings:

A general safety meeting attended by all supervisors, foremen and their men shall be conducted by the safety officer each month. A specific topic should be selected and prepared for presentation prior to the meeting. If desired, foremen or supervisors may be assigned presentation duties. The following should be made a part of all monthly meetings:

A. Discussions of all accidents and near misses occurring since the prior meetings should be held and corrective recommendations formulated.

B. Progress toward recommendations adopted at prior months meetings shall be reviewed.

C. Minutes of all meetings should be recorded to aid in monitoring progress and for Division superintendents review.

II. Weekly Supervisors Meetings:

A short safety meeting should be conducted weekly by each supervisor. All such meetings should include the following:

A. Each meeting should concern a specific topic relative to work either current or to be undertaken in the near future.

B. Employees should be given the opportunity to contribute to the meeting with either suggestions or observations.

C. A report of the meeting should be signed by the supervisor and forwarded to the safety officer.

III. Special Meetings:

Unscheduled meetings shall be called as new operations, special hazards, or other reasons dictate.

BASICS OF ACCIDENT PREVENTION

An accident is an unforeseen or unplanned event that may or may not result in personal injury or property damage. Accidents are caused by mistakes, and these mistakes are either unsafe acts or unsafe conditions, or a combination of the two. Although, not every accident results in damage or injury, each is a warning that a danger exists. Any accident may occur several times before an injury results, but the supervisor must not let a condition go unchecked. He must first find out why it happened, even though it may appear minor at the moment. His supervisor's responsibility is to remedy hazardous acts or conditions before someone gets hurt.

Basic accident causes include: failure to understand instruction, failure to give adequate instructions, disregard of safety rules, and lack of concentration on the job. Knowing these basic causes, the supervisor should then determine the unsafe conditions and unsafe acts that caused the accident and then plan to prevent a recurrence as soon as possible. The supervisor should determine the problem area and correct it before it happens.

ACCIDENT INVESTIGATION

Investigation of accidents is an essential part of any safety program. The investigation of accidents is not made for the purpose of placing blame on someone, but to ascertain the facts in order to prevent other accidents from the same cause.

Each accident should be investigated by the supervisor in charge. He should look for the following:

(a) The true cause of the accident
(b) The action taken to prevent recurrence
(c) The extent of the injury or damage
(d) Names of witnesses, if applicable, or available

The "Supervisor's Accident Investigation Report Form" should be completed for all accidents. Knowing the cause of the accident is valuable only if this knowledge leads to successful elimination. Corrective action is the most vital part of accident investigation. If such is not taken, the investigation is both pointless and incomplete.

The right remedy, and most economical one being applied, is essential to the success of an accident investigation. A repetition of a similar accident may indicate that the previous remedy was ineffective or that the cause found was not the fundamental one.

Once the problem is determined, corrective action should be immediate; therefore, the signing of the investigator's name places a sense of responsibility upon the investigator to give both serious and full attention to the completion of the report. The safety officer will review the Investigation Report for accuracy and completeness. If he is not satisfied, he will direct that further effort must be made.

Determining causes of accidents often indicates means which will prevent reoccurrences. When an accident occurs, the following steps are to be taken:

1. All employees must be instructed to report all injury accidents to their foreman.

2. The foreman shall properly complete the supervisor's Investigation Report Form and submit it to his supervisor.

3. A copy of the Supervisor's Investigation Report Form should be forwarded to the Safety Officer for his information and use in monitoring the safety program.

Accident reports should be viewed as an informational tool rather than a mere administrative duty. The purpose of an accident report is to assist the supervisor in determining problem areas in his work operation. The problem may be a particular piece of equipment, or an unsafe procedure, or an individual in need of instruction. Whatever the problem, the accident report, along with a thorough accident investigation, will aid the supervisor in making his area of responsibility a safe one.

EMPLOYEE HEALTH AND EMERGENCY TREATMENT OF INJURIES

Employee health, both on and off the job, reflects in production and accident losses. Proper treatment of both minor and serious injuries is a basic prerequisite to an effective employee health program and has a major effect on safe working attitudes of the employees.

Qualified, properly trained, first aid personnel should be available for all company personnel. First aid supplies and equipment should be available and should be properly maintained.

LEGAL SAFETY REQUIREMENTS

The safety of our industry is now either regulated by the Occupational Safety and Health Administration (OSHA) as administered by the U.S. Department of Labor, or by a similar organization in certain states having approved State Plans.

Federal OSHA regulations that apply to our operations are found in Title 29, Chapter XVII, parts 1910 of the Code of Federal Regulations. Part 1910 is known as the General Occupational Safety and Health Standards and applies to all industries.

it is the intent of J-M Manufacturing Company, Inc. and J-M A/C Pipe Corporation to comply fully with both the spirit of the law and all applicable regulations.

GENERAL SAFETY RULES

You are working for an organization which is sincere in its desire to conduct all of its operations in the safest manner possible. Compliance with the general safety rules listed below will assist us in achieving this objective. These rules are the minimum guides for working safely. Your continued awareness and cooperation in safety is a vital part of your job. It is your duty to apply these and all accepted standards of safety.

1. Whenever you are involved in any accident that results in personal injury or damage to property - no matter how small - accidents must be reported to your supervisor. Get first aid promptly.

2. Report immediately, any condition or practice you think might cause injury or damage to equipment.

3. Do not operate any equipment which, in your opinion, is not in a safe condition.

4. All prescribed safety and personal protective equipment should be used when required, and maintained in a good working condition.

5. Obey all company rules, governmental regulations, signs, markings, and instructions. Be particularly familiar with those that apply directly to you. If you do not understand - ASK!

6. Leg muscles are stronger than back muscles. Lift with your legs, not your back. Bend the knees and keep the back straight.

   Plan before you attempt to move a load. Consider weight, size, shape, path of travel, and set down location. Get help if necessary.

   Protect your hands and fingers from rough edges, sharp corners, and metal straps. Keep hands and fingers out of pinch points between the load and other objects.

7. Material and equipment in the work environment present enough exposure without horseplay. Absolutely no horseplay will be tolerated.

8. Every tool is designed for a specific use. Do not misuse. Inspect daily for defects.

   Keep tools in proper working condition. Maintain clean, sharp, oiled, dressed and adjusted.

   Never hit hardened steel with hardened steel, such as hitting a hatchet with a hammer.

Tools having burrs, cracks, mushroomed heads, broken, loose, or splintered handles shall not be used.

Do not place or leave tools on overhead work to avoid the possibility of them falling and striking someone below.

Never leave tools lying about so they create a tripping hazard.

Never carry an edged or pointed tool in your pockets or belt unless the edge or point is fully protected.

Wrenches should never be used as hammers. If the jaws are worn or sprung they should be repaired or replaced.

Make certain you know how to turn off any power tool before you turn it on.

Use proper eye protection when using tools that can create flying chips or particles.

Inspect all tools for worn or loose parts before connecting it to the power supply.

Make sure all guards are in place and are secure.

Check your work area for other people before starting the tool. Warn persons nearby.

Be prepared for jamming of rotating tools. Have footing and balance and watch out for nearby obstructions. Check yourself for loose clothing.

9. Keep stored material, scrap, and other tripping hazards out of roads and walkways, off of stairs, and away from emergency equipment.

Cords, cables, and hoses crossing roads or walkways are to be covered to prevent tripping or damage, or are to be supported overhead.

10. The use of drugs and/or intoxicating beverages are prohibited.

11. All concentrations of combustible material must be kept to a minimum through proper housekeeping practices including trash removal and oil and grease accumulation clean up.

Flammable liquids (flash point below 100°F) -- All drums dispensing flammable liquids should be grounded, bonding straps should be used when dispensing flammable liquids from drums to safety containers, all flammable liquids should be transported in approved safety containers.

Combustible liquids (flash point above 100°F) -- All combustible liquids should be transported in closed metal containers.

Extinguishers utilizing the proper type agent for the type combustible or flammable present must be made available and utilized. Clear, unobstructed access to all fire extinguishers must be maintained.

Care must be exercised to eliminate all possible sources of ignition from potentially hazardous areas -- No smoking regulations will be established, areas posted, and observation enforced; flashlights approved for use in hazardous locations will be provided; vapor tight fixtures must be provided in areas where combustible vapors may occur.

SPECIFIC SAFETY REGULATIONS

In addition to the foregoing General Safety Regulations, the following regulations are to be observed by all personnel engaged in the work described under various classifications.

NOISE ABATEMENT PROGRAM

I. Introduction:

Noise is defined as, at least, an unwanted and, at most, a destructive sound. Noise can affect not only hearing but also other bodily functions. Noise acts upon the body very much as other stresses do. Routine exposure to intensified industrial noise may lead to chronic physiological disturbances. The wider effects of noise are considered highly controversial, and the present American standards are based only on the effects of noise on hearing.

II. Objectives:

To control or reduce exposure to excessive noise in the workplace and comply with the OSHA Occupational Noise Exposure Standard, 29 CFR 1910.95 (a) through (b). (See also Sec. VI)

III. Noise Exposure Limitations:

A. Continuous Noise:

Employee must not be exposed to the noise in excess of the sound levels shown below:

Permissible Noise Exposure

Duration per day (hr.)	Sound Level (dBA)
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

Duration in hours = $\frac{8}{2^{(L-90)/5}}$, where

L = sound level (dBA)

If the variations in noise level involve peaks at intervals of 1 second or less, it is considered as continuous noise.

B. Impulse/Impact Noise:

Exposures to impulsive or impact noise must not exceed 140 dB peak sound pressure level.

IV. Engineering/Administrative Controls:

A. Requirement:

When employees are subjected to sound exceeding the regulated level, feasible engineering or administrative controls must be used to reduce the noise.

B. Documentation:

It is important to fully document all administrative and engineering efforts to reduce noise levels, including costs. If such efforts fail to reduce noise to the regulated levels, the documentation can be used in defense of OSHA citations on the grounds of infeasibility.

V. Hearing Protection:

If engineering or administrative efforts fail to reduce employee noise exposures to less than the permissible exposures, the employees must be provided hearing protectors and their use be enforced.

VI. Remarks:

If the occupational noise exposure standard is regulated by the more stringent State or Local organizations in certain states having approved state plans, it is the intent of this Company to comply fully with all applicable State/Local regulations.

B. Impulse/Impact Noise:

Exposures to impulsive or impact noise must not exceed 140 dB peak sound pressure level.

IV. Engineering/Administrative Controls:

A. Requirement:

When employees are subjected to sound exceeding the regulated level, feasible engineering or administrative controls must be used to reduce the noise.

B. Documentation:

It is important to fully document all administrative and engineering efforts to reduce noise levels, including costs. If such efforts fail to reduce noise to the regulated levels, the documentation can be used in defense of OSHA citations on the grounds of infeasibility.

V. Hearing Protection:

If engineering or administrative efforts fail to reduce employee noise exposures to less than the permissible exposures, the employees must be provided hearing protectors and their use be enforced.

VI. Remarks:

If the occupational noise exposure standard is regulated by the more stringent State or Local organizations in certain states having approved state plans, it is the intent of this Company to comply fully with all applicable State/Local regulations.

HEARING CONSERVATION PROGRAM

I. Introduction:

This program must be administered whenever an employee's noise exposure equals or exceeds an 8-hour time weighted average (TWA) sound level of 85 dB measured on the A scale of a standard sound level meter.

II. Objectives:

To protect employees hearing and comply with the OSHA Hearing Conservation Standard, 29 CFR 1910.95 (c) through (p). (see also Sec. V)

III. Exposure Monitoring:

A. When information indicates that any employee's exposure may equal or exceed the Action Level (i.e., an 8-hour TWA of 85dBA), a monitoring program must be developed and implemented.

B. Representative personal sampling must be used when there is any question that the exposure might equal or exceed the action level, and when the noise levels vary greatly or the position being monitored is highly mobile.

C. All continuous, intermittent, and impulsive sound levels from 80 dB to 130 dB must be integrated into the noise measurements. Audiodosimeters used for monitoring must be designed and set to measure from 80 dB.

D. Instruments used to measure employee noise exposure must be calibrated prior to and following exposure measurements.

E. Monitoring must be repeated whenever a change in production, process, equipment, or controls increases noise exposure to the extent that (1) additional employees may be exposed at or above the action level, or (2) the attenuation provided by hearing protection being used by employees may be rendered inadequate.

F. Each employee exposed at or above an 8-hour TWA of 85 dB must be notified of the results of the monitoring.

G. Employees or their representatives must be provided with the opportunity to observe exposure monitoring being conducted.

IV. Hearing Protectors:

A. Requirements for protectors:

1. Hearing protectors must be made available to all employees exposed to an 8-hour TWA of 85 dBA or greater.

2. Hearing protectors must be provided and replaced as necessary at no cost to the employee, except that reasonable local policies may be established requiring payment for replacement protectors resulting from the irresponsible behavior of employees.

3. The wearing of hearing protectors must be enforced when the employee is exposed to an 8-hour TWA of 90 dBA or greater.

4. Where the use of hearing protectors is mandatory, every effort must be made, including disciplinary procedures as necessary, to insure that the employee wear the protectors.

B. Selection:

Proper selection of hearing protection must provide for adequate attenuation, minimal discomfort and prevention of ear infection. Environmental work conditions such as dust, grease, temperature, humidity, etc. may dictate the choice of a protector. If the protector is uncomfortable, it is not likely to be worn properly. For these reasons, a limited variety of types of hearing protectors may be required to ensure that adequate protection is provided.

C. Fitting Hearing Protectors:

Each employee provided hearing protectors must be individually fitted with a hearing protector. If a change in protector type is made, refitting must be conducted.

V. Remarks

If the hearing conservation program is regulated by the more stringent State or Local organizations in certain states having approved state plans, it is the intent of this Company to comply fully with all applicable State/Local regulations.

RECEIVED, subje[illegible] the classifications and tariffs in effect on the date of the is[illegible] of this Bill of Lading [illegible]

From ☐ J-M MANUFACTURING COMPANY, INC. ☐ J-M A/C PIPE CORPORATION

The property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which covers the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

HIGHWAY 75N DENISON, TX 75020	Customer's Order No.	J.M. Order No.
19		
Name of Carrier		Agent's No.
	Company	

Consigned to

(Mail or street address of consignee — for purposes of notification only.)

CAR INITIAL AND NO

Route

Delivering Carrier

NO. PKGS.	KIND	DESCRIPTION	PROPER SHIPPING NAME AND HAZARDOUS CLASS(ES)

NO. PKGS.	KIND	DESCRIPTION	* WEIGHT (Subject to Corr.)	RATE	CK.
		Conduit or Pipe, Cement Containing Asbestos Fibre			
		Conduit or Pipe, Cement Containing Asbestos Fibre			
		Plastic Pipe or Tubing, in Straight Lengths			
		Washers or Gaskets, Rubber, N.O.S.			
		Grease, Lubricating, NOIBN			

THIS LOAD MUST BE PROTECTED FROM SMOKE DAMAGE ABSOLUTELY NO CHAINS ARE TO BE USED. FAILURE TO COMPLY COULD RESULT IN REJECTION BY CONSIGNEE

Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement.

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

Per ____

CHARGES ARE
☐ TO BE PREPAID
☐ WERE TO BE PREPAID
☐ COLLECT

Received $ ____ to apply in prepayment of the charges on the property described hereon.

Agent or Cashier

Per ____
(The signature here acknowledges only the amount prepaid.)

Charges Advanced

$ ____

The fibre boxes used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements in all governing classifications.

The paper bags used for this shipment conform to specifications for paper bags in all governing classifications.

* If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight."

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

NOTE—Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

Per ____

Agent

Per ____

Permanent Post Office Address of Shipper
HIGHWAY 75N
DENISON, TX 75020