UNION CARBIDE

INTERNAL CORRESPONDENCE

BUSINESS CONFIDENTIAL

UNION CARBIDE CORPORATION P.O. BOX 1029, GRAND JUNCTION, CO 81501
METALS DIVISION

To (Name) Mr. W. C. Thurber
Division Metals - Section J1398
Location Danbury, CT
Area

Date September 30, 1982
Originating Dept. E/R - Occupational Health
Area

K-1

Copy to S. L. Baye
R.F.X. Fusaro
M. T. Manupella
J. L. Myers
--- M. A. Smith
R. F. Wolff

Subject Calidria Asbestos Potential Liability - Chemicals and Plastics Operations/Bound Brook, New Jersey (2.2.23)

Mr. Wolff has asked me to review the subject noted above and to summarize the situation re Calidria Asbestos involvement. Basically, the Chemicals and Plastics Division manufactured asbestos containing phenolic resins at Bound Brook from the 1940's through the early 1970's. These molding compounds are in themselves quite dusty, so during the early part of this period this was a quite dusty operation by present standards. (At least one serious dust explosion.) The contribution of the asbestos to the general dustiness has not been well defined.

During the time period in question, Union Carbide's Calidria Asbestos Department supplied the quantities of asbestos to Bound Brook shown in Table 1. (Source - King City sales records.) It is evident from the table that Calidria was a small supplier, i.e., only about 265 tons (530,000 lbs) in 1965 and about 40 tons (probably experimental) in 1973 out of a very much larger total asbestos usage. The exact total is now being reconstructed by the Bound Brook location and is not yet available.

Many of the familiar names in the asbestos litigation are now involved in the Bound Brook action. They include Tony Mazzochi, Steve Wodka, and Dr. Irving Selikoff. The plaintiffs' law firm is Frederick M. Baron and Associates of Washington, D.C., represented by local counsel in New Jersey. They give the impression that they think they have a "live" one.

At the present time, about 100 of the employees have been examined by a team from Massachusetts General Hospital. Opportunity for examination has been offered to all employees, salaried and union. Results for 50 of these examinations are back with 25 alleging some sort of lung changes relating to their occupational exposure. If this pattern is typical, at least 50 cases can be expected. Four workmen's compensation cases have so far been filed with three for asbestosis and one for mesothelioma. The latter employee worked one year for J/M in Manville and about 14 years for UCC.

The mesothelioma case is particularly important because a third party liability suit has also been filed against Union Carbide as the asbestos supplier not as the employer. As you are well aware, Manville has filed for bankruptcy. A motion has been made by one of the defendants to stay all asbestos liability cases in New Jersey until the J/M situation has been resolved. This motion is due for a hearing on October 4, 1982.

If the stay is granted, the present thinking is that we will sit tight and see what develops. If it is denied, we will immediately file a motion for dissmissal on the basis that the plaintiff's recovery from UCC is limited to workmen's compensation. Although the New Jersey law is quite clear on this matter, a similar case in Ohio (Blankenship) was declared in favor of the plaintiff, based on the rationale of wanton, reckless, disregard. In the event the judge rules that we can be included, there is some same measure of protection against large losses in the fact that we were only a very minor supplier.

If you have any questions, please give me a call. I have asked Mmes. Smith and Baye to keep me informed of any important new developments.

Very truly yours,

H. B. Rhodes

H. B. Rhodes

HBR/sw

Attachment

TABLE 1

UCC METALS DIVISION SHIPMENTS
TO
UCC PLASTICS DIVISION
AT
BOUND BROOK, NEW JERSEY

Date	Pounds	Product	End Use
5/4/65	110,000	Filter Grade Open	Bakelite Phenolics
8/12/65	100,000	" " "	" "
9/28/65	100,000	" " "	" "
10/29/65	100,000	" " "	" "
11/1/65	100,000	" " "	" "
12/28/65	120,000	" " "	" "
1965 TOTAL . . .	530,000	(265 Short Tons)	
12/29/70	210	RG-144	Unknown*
1970 TOTAL . . .	210	(~0.1 Short Ton)	
8/31/71	2,100	RG-101	Unknown*
8/24/71	2,000	RG-101	"
10/20/71	6,000	HPP	"
11/16/71	1,040	RG-101	"
12/16/71	510	RG-101	"
12/17/71	105	RG-144	"
1971 TOTAL . . .	11,755	(~5.8 Short Tons)	
12/8/72	4,000	SG-100	Baklite Phenolics
1972 TOTAL . . .	4,000	(2 Short Tons)	
5/3/73	26,000	SG-200	Bakelite Phenolics
5/3/73	25,100	SG-200X	" "
9/12/73	510	RG-110	" "
10/2/73	17,850	SG-210	" "
10/5/73	17,850	SG-210	" "
1973 TOTAL . . .	87,310	(~43.7 Short Tons)	

*These are highly refined products. It is very unlikely that they were used in in the phenolics and in any case the quantities are too small to be regular production.

HBR - 9/3/82