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PLAINTIFF'S EXHIBIT

UC-3892

TOSCA REPORTING REQUIREMENTS

(November 1980)

The Federal Toxic Substances Control Act (TSCA) is administered by the Environmental Protection Agency (EPA), and its purpose is to protect health and the environment from injury by regulating the use of known and suspected toxic substances. One part of TSCA concerns all Union Carbide employees. Section 8(e) requires that "any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment, shall immediately inform the Administrator unless such person has actual knowledge that tne Administrator has been adequately informed of such information."

Only information which is not otherwise known to the EPA or which has not previously been published in the scientific literature is reportable under the Act. In general, to be reportable the information would have to implicate a chemical substance or mixture with either an unexpected serious injury or health problem, serious or widespread damage to the environment, or some emergency incident which poses a serious threat to human life or the environment. An emergency incident, resulting in a significant or massive release of material which would not be made known to the EPA by other reports, should be reported to the regional EPA within 24 hours for Section 8(e) purposes.

The EPA broadly interprets "any person" to include all employees of an organization engaged in manufacturing, processing, or distribution who are capable of appreciating the significance of pertinent information. Failure to report carries a possible personal fine of $25,000 per day and imprisonment of up to one year. However, the EPA has stated that an employer may relieve individual employees of any obligation to report directly to EPA by establishing appropriate internal procedures for reporting substantial risk information.

The Metals Division established such procedures. You will discharge any personal legal obligation by reporting substantial risk information immediately to your supervisor or to Dr. C. R. Allenbach, the Metals Division TSCA Coordinator (Niagara Falls, NY 716-278-3490). If Dr. Allenbach is not available, contact Mr. R.F. X. Fusaro (New York Office, 212-551-5197). The TSCA Coordinator will assist you in preparing a written report, which you approve and sign, for submission to the Union Carbide Substantial Risk Evaluation Board. You will be notified promptly whether or not your information has been reported by the Corporation to the EPA. If judged non-reportable, you will be given the reason why. You retain the right to report to the EPA directly, without objection by the Corporation.

Any questions or requests for additional information should be addressed to your local management.

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