UC 149-2A

UNION CARBIDE **INTERNAL CORRESPONDENCE**

JUN 13 1979

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To (Name) Mr. T. R. Alexander
Division UCC-Corp. Distr.
Location 6th Floor
270 Park Avenue
New York, NY 10017

Date June 11, 1979

Originating Dept. "Calidria" Asbestos

Answering letter date 5/24/79

Subject DOT Regulations

Copy to Messrs. G. R. Adams
R. E. Byrne, Jr.
W. B. DeAtley
S. Hoffman
W. G. Kahler II
H. B. Rhodes
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J. J. Sibley
R. M. Mitchell
File

In response to your letter of 5/24/79, the revised DOT regulations (effective 8/20/79) still leave us with some problems, as noted below.

1. Bulk Shipments. We currently ship 8-10 bulk cars per month and anticipate shipping bulk trucks by the end of the year. If these must be "airtight," we need a definition; and the plant should determine if we can meet the definition. OSHA has been complimentary about bulk shipments and the resulting reduction of asbestos dust. Returning to bags because of the MTB would certainly be a regressive step in asbestos handling.

2. Less Than Pallet Shipments. The MTB denied our request that less than pallet quantities (2000 lbs.) be exempt from palletizing and shrink-filming. We requested this for our drilling mud distributor and other distributors who routinely ship in less than pallet quantities because of customer requirements: small users, no equipment to handle pallets, return of material, etc. The request would also have facilitated the shipment of sample quantities.

   It must be obvious that a distributor would not ordinarily have the facilities to shrink-film (a cardboard shroud would not provide the extra dust protection desired by the MTB). Therefore, he will be unable to ship the less than pallet quantities required by some of his customers. In the drilling mud industry, it is normal practice to load a truck with X bags of this, Y bags of that, 4 drums of something else, etc.; and then the truck delivers the drilling materials to a rig location. It is also normal practice to return for credit any unused material. There is no shrink-film

equipment at rig sites so the left-over asbestos must remain at the site and very likely create considerably more potential hazard (from eventual deterioration of bags and release of dust) than if the dust and sift-proof bags were returned to a warehouse and ultimately sold to another customer. The potential hazard is magnified by the fact that the original shipment to the rig must be a full shrink-filmed pallet load which could be 2 to 3 times what is needed. This then multiplies the amount of asbestos which must remain at the rig site.

The shipment of samples, from 1/2-lb. lab samples to full-bag samples for evaluation, is also complicated by the DOT rules. Perhaps the cardboard boxes we now use could be considered as "rigid" containers. Would sample shipments be considered "commercial" asbestos?

I propose that we request the MTB to reconsider their denial of our request for exempting less than pallet quantities, especially for the drilling industry application.

3. Package Marking. The new rules require that each package of asbestos be marked "ASBESTOS ORM-C." This is confirmation by the shipper that the package is in conformance with the regulations. In the last few days we have been advised that our bag suppliers have questioned whether or not they will provide us with bags already marked as above since the bag itself is not dust and sift proof. As discussed previously, we intend to shrink-film certain bags to make them dust and sift proof. We do not feel the bag companies can refuse to supply since it is the shipper who is the responsible party. However, we are currently out of certain bags that are now scheduled for delivery just in time to prevent the customer from running out of product. We cannot afford any delay due to this question of marking. We should immediately consider a hold-harmless letter, or whatever is necessary to prevent a delay in receiving the needed bags.

   Another question is the marking of bulk cars. We currently use six SP cars, which are in dedicated service; and we lease or sublease another ten bulk cars. The plant needs guidance on how and where to put the markings on these cars.

   For bag shipments in boxes or "exclusive" use vehicles and containers, is the marking required on the exterior of the outer "package", such as a truck or boxcar?

A meeting has been scheduled for 10:30 a.m. on Thursday, 6/14/79, in Mr. Kahler's office. In addition to you and me, the following are expected to be there: Bill DeAtley, Bill Kahler, Stan Hoffman, Bob Rebholz, and John Sibley. At this meeting, we should be prepared to issue the plant "final instructions" on how to prepare for the 8/20/79 implementation date for the new DOT regulations.

John L. Myers

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JLM:dal