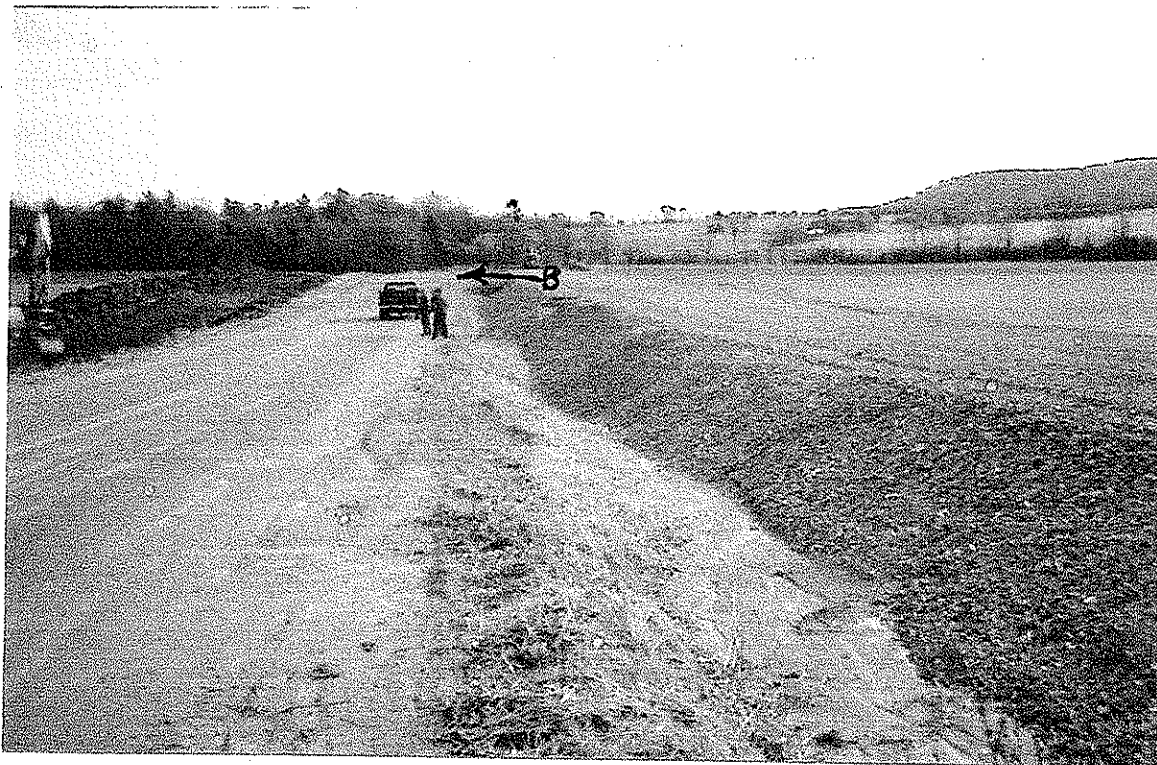




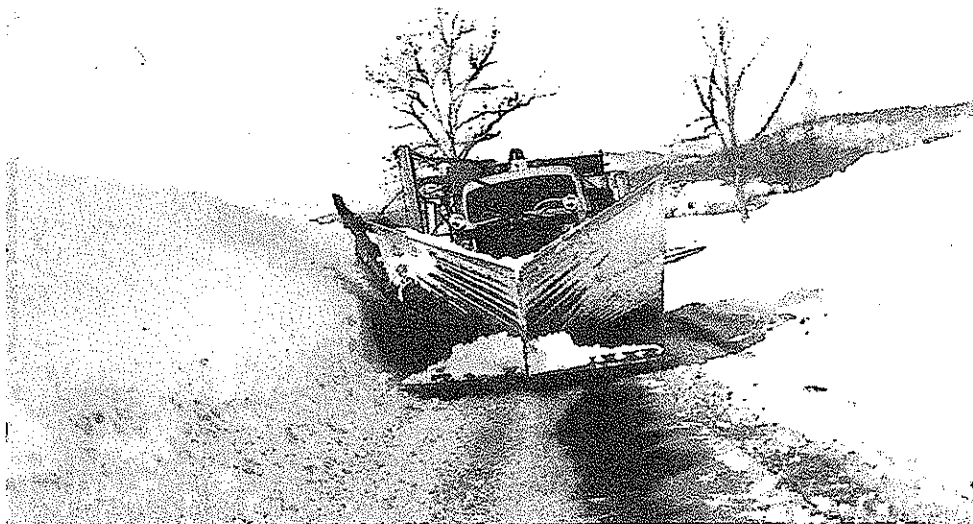
DEPOSITION
EXHIBIT

1
9/18/07
UT



DEPOSITION
EXHIBIT

2
UT 9/18/07



DEPOSITION
EXHIBIT

3
UT 9/18/07



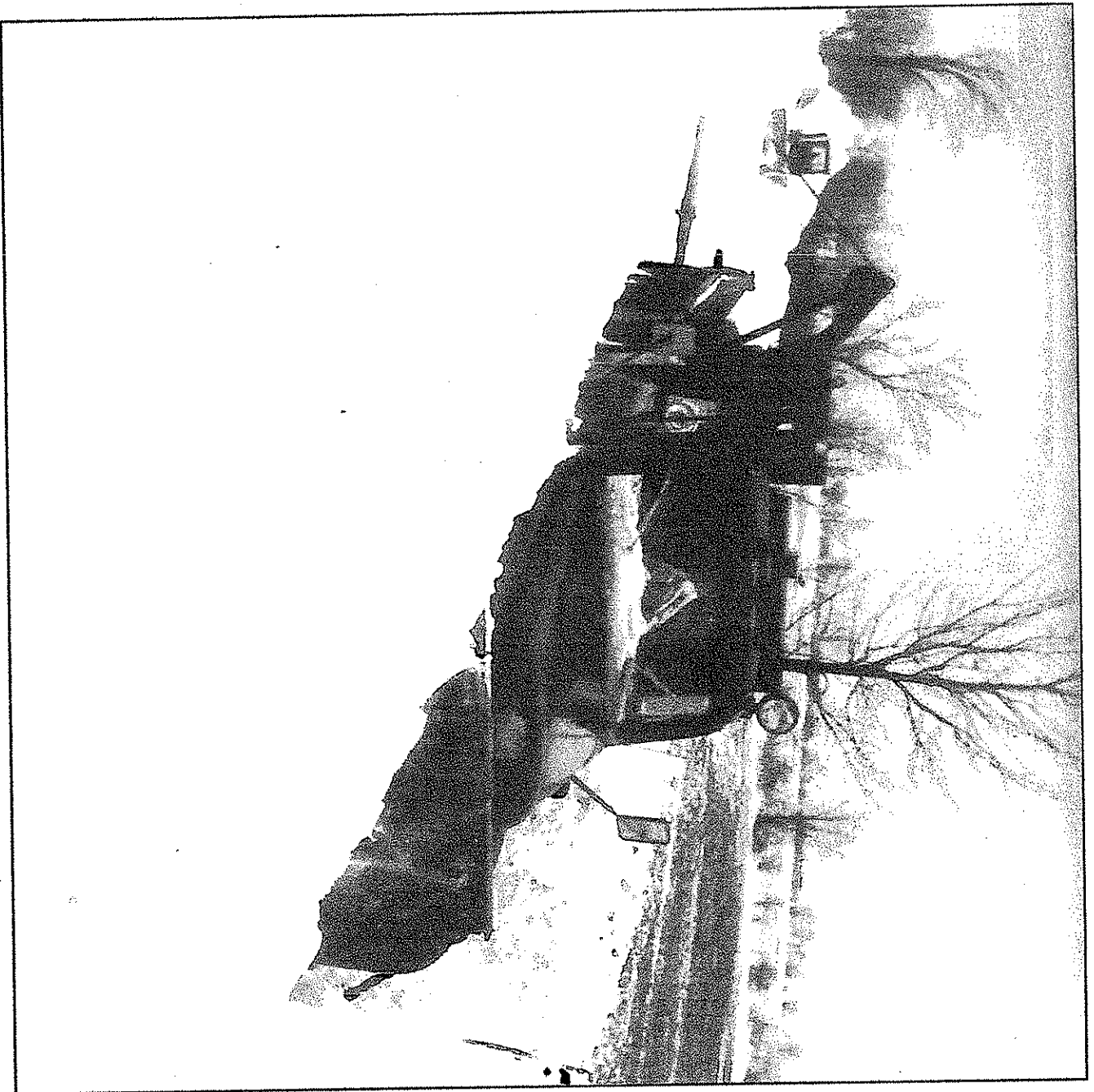
DEPOSITION
EXHIBIT

4

W 2/18/07



DEPOSITION
EXHIBIT
5
9/18/07



DEPOSITION
EXHIBIT

44 1/19/07



DEPOSITION
EXHIBIT

7

UT

9/1/97



DEPOSITION
EXHIBIT
8
UT 9/18/07

DEPOSITION
EXHIBIT

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

IDENTIFICATION NO.

0276

NYSDOT USE ONLY

ANNUAL CERTIFICATION OF LOCAL HIGHWAY MILEAGE

2006

- ☒ Town
☐ County
☐ City
☐ Village

of Essex
Essex
County

Attached is the highway listing updated for calendar year 2006 with indicated changes reflecting corrections, additions and deletions including a description (name or number) of the highways owned by this jurisdiction. To permit conformance with Subdivisions 13 and 15 of Section 10 of the Highway Law and with the Transportation Systems Assistance and Financing Act of 1981, as amended, which created the Consolidated Local Street and Highway Improvement Program (CHIPS), I hereby certify that I have reviewed, and updated where necessary, the local highway inventory information contained in this listing, and that it is an accurate representation of such information.

Total centerline miles (XXXX.XX) of
roads owned by this jurisdiction

26.65

James Z. Morgan Jr. 11/29/06
Signature Date
Town of Essex Highway Superintendent
Title

James Z. Morgan Jr. (518) 963-4152
Local Contact Person (Print or Type) Telephone Number

☐ Map(s) and resolution(s) attached
(Required for new roads)

NYSDOT Regional Review by

(Please print name or initials)

Date

TP 273 (9/06)

WHITE - M.O. YELLOW - REGION PINK - DISTRIBUTION (COUNTY) GOLD - LOCAL

New York State Department of Transportation

Local Roads Listing

Date: 08/18/2006

Page: 29 of 92

REGION 1 JURISDICTION: Town

LOCATION: Town of Essex

ESSEX

COUNTY

Route Road or Street Name	Road #	Start of Section	End of Section	Milepoint		No. of Lanes	One Way or Divided Highway	Pvmt		Shldr		Median		Func. Class.	Fed. Aid Sys.
				Start	End			Type	Width	Type	Width	Type	Width		
ABANDONED STATE	0010			0.00	0.78	2		A	19	2	4	0	0	9	
ALBEE RD	0020			0.00	0.79	2		A	18	2	4	0	0	9	
ALDEN RD	0030			0.00	1.72	2		A	20	2	4	0	0	9	
BEG POINT	0040			0.00	0.22	1	One Way	A	18	3	4	0	0	9	
BROOKFIELD RD	0050			0.00	1.27	2		A	18	2	4	0	0	9	
BROOKFIELD RD	0050			1.27	3.55	2		U	18	2	4	0	0	9	
CATHOLIC CHURCH	0060			0.00	0.44	2		A	20	2	4	0	0	9	
CATHOLIC CHURCH	0060			0.44	1.76	2		U	19	2	4	0	0	9	
CHRISTIAN RD	0070			0.00	0.54	2		U	18	4	4	0	0	9	
CHRISTIAN RD	0070			0.54	1.34	2		A	18	4	4	0	0	9	
CHURCH RD	0080	DANIEL RD	BROOKFIELD RD	0.00	1.06	2		U	18	2	4	0	0	9	
CHURCH RD	0085			0.00	0.04	2		A	20	2	4	0	0	9	
CLARK RD	0090			0.00	0.92	2		U	16	2	4	0	0	9	
CLARK & SAYRE R	0100			0.00	0.48	2		A	18	5	4	0	0	9	
COOK RD	0110			0.00	2.80	2		U	25	1	4	0	0	9	
COUNTY HOME RD	0120			0.00	0.22	2		U	16	0	4	0	0	9	
CROSS RD	0130			0.00	1.46	2		U	20	5	4	0	0	9	
DANIEL RD	0140			0.00	1.80	2		A	20	4	4	0	0	9	
DOCK ST	0150			0.00	0.03	2		A	18	4	4	0	0	9	
FERRIS RD	0160			0.00	0.14	2		U	16	2	4	0	0	9	
GLADD	0170			0.00	0.12	2		U	16	2	4	0	0	9	
KNAPP RD	0180			0.00	0.44	2		A	20	4	4	0	0	9	

New York State Department of Transportation

Local Roads Listing

Date: 08/18
Page: 30 of 92

REGION 1 JURISDICTION: Town

LOCATION: Town of Essex

ESSEX COUNTY

Route	Road or Street Name	Road #	Start of Section	End of Section	Milepoint Start End	Length	No. of Lanes	One Way or Divided Highway	Pymnt Type	Width	Shldr Width	Median Type	Width	Func. Class.	Fed. Aid Sys.
0190	LEANING RD		0.00	0.90	0.90	0.90	2		U	20	2	4	0	9	
0190	LEANING RD		0.90	2.06	2.06	1.16	2		A	20	4	4	0	9	
0210	LEGION HILL RD		0.00	0.23	0.23	0.23	2		A	20	4	4	0	9	
0220	LOUKES RD		0.00	0.42	0.42	0.42	2		U	16	1	4	0	9	
0230	LOWER SHERRILL R		0.00	0.07	0.07	0.07	2		U	18	2	4	0	9	
0240	MATHER RD		0.00	1.22	1.22	1.22	2		A	20	4	4	0	9	
0250	ORCHARD ST		0.00	0.06	0.06	0.06	2		A	20	4	4	0	9	
0255	ROSS RD		0.00	0.22	0.22	0.22	2		A	22	0	4	0	9	
0260	SANDERS RD		0.00	0.73	0.73	0.73	2		A	20	4	4	0	8	
0270	SCHOOL RD		0.00	0.08	0.08	0.08	2		A	20	4	4	0	9	
0270	SCHOOL RD		0.08	1.25	1.25	1.17	2		U	20	4	4	0	9	
0270	SCHOOL RD		1.25	1.44	1.44	0.19	2		A	20	4	4	0	9	
0280	SHERRILL RD		0.00	0.11	0.11	0.11	2		A	20	4	4	0	9	
0290	WEST RD		0.00	0.42	0.42	0.42	2		U	18	3	4	0	9	

Centerline Miles Total: 26.85
Lane Miles Total: 53.08

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

ANNUAL REPORT OF LOCAL HIGHWAY MILEAGE

IDENTIFICATION NO.

MAIN OFFICE USE ONLY

TO: Regional Director, Region No.
New York State Department of Transportation
New York
Attention: Regional Planning & Program Manager

1994

FROM: ☒ Town
☐ County
☐ City
☐ Village

County

SUBJECT: CERTIFICATION OF HIGHWAY INVENTORY LISTING

Attached is the highway listing updated for calendar year 1994 with indicated changes reflecting corrections, additions and deletions including a description (name or number) of the highways owned by this jurisdiction. To permit conformance with Subdivisions 13 and 15 of Section 10 of the Highway Law and with the Transportation Systems Assistance and Financing Act of 1981, as amended, which created the Consolidated Local Street and Highway Improvement Program (CHIPS), I hereby certify that I have reviewed, and updated where necessary, the local highway inventory information contained in this listing, and that it is an accurate representation of such information.

Total centerline miles (XXXX.XX) of
roads owned by this jurisdiction

26.65 miles.

Signature

Title

Date

☐ Map(s) and resolution(s) attached
(Required for new roads)

DISTRIBUTION:

#1, 2 and 3 to Region Director - NYSDOT
#4 Retained by Submitter

Reviewed by

For Regional Director of Transportation, Region No.

Date

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ANNUAL REPORT OF LOCAL HIGHWAY MILEAGE

IDENTIFICATION NO.

MAIN OFFICE USE ONLY

TO: Regional Director, Region No. _____
New York State Department of Transportation
_____, New York
Attention: Regional Planning & Program Manager

1994

FROM: ☐ Town
☐ County
☐ City
☐ Village _____
_____ County

SUBJECT: CERTIFICATION OF HIGHWAY INVENTORY LISTING

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Total centerline miles (XXXX.XX) of
roads owned by this jurisdiction

Signature

Title

Date

☐ Map(s) and resolution(s) attached
(Required for new roads)

Reviewed by

For Regional Director of Transportation, Region No. _____

Date

DISTRIBUTION:

- # 1, 2 and 3 to Region Director - NYSDOT
- # 4 Retained by Submitter

REGION 1		COUNTY 2	ESSEX	LOCAL HIGHWAY SYSTEM	TOWN
H P M S G I S 7	ROAD OR STREET NAME	T NUM 28	ESSEX	ESSEX	
	ABANDONED STATE	0010			
	ALBEE RD	0020			
	ALDEN RD	0030			
	ALDEN RD	0030			
	BEG POINT	0040			
	BROOKFIELD RD	0050			
	BROOKFIELD RD	0050			
	CATHOLIC CHURCH	0060			
	CATHOLIC CHURCH	0060			
	CHRISTIAN RD	0070			
	CHRISTIAN RD	0070			
	CHURCH RD	0080			
	CHURCH RD	0080			
	CLARK RD	0090			
	CLARK & SAYRE R	0100			
	COOK ROAD	0110			
	COUNTY HOME RD	0120			
	CROSS RD	0130			
	DANIEL RD	0140			

Minutes of Town Board Meeting, Town of Essex, Essex, N. Y.
held at the Board Rooms of said Town this 6th day of Nov. 1963.

Members Present:

E. W. Cross	
G. G. French	Rolland Marshall
D. F. Clark	Warren Cross
W. L. Lowe	
D. S. Walker	

Meeting called to order by Supr. at 1 P.M.

Motion made by G. G. French, seconded by D. F. Clark, minutes of previous meeting be omitted. Approved.

Motion made by D. S. Walker, seconded by D. F. Clark, Surplus reports be accepted as read. Approved.

Warrant read listing the bills. Roll Call requested on paying the warrant: E. W. Cross, yes; G. G. French, yes; D. F. Clark, yes; W. L. Lowe, yes; D. S. Walker, no. Carried.

Meeting adjourned until later for purpose of Hearing on the Preliminary Budget.

Meeting called to order at 2:00p.m. by the Supervisor for the purpose of Hearing on the Preliminary Budget. No persons appeared in regard to the hearing on the Budget. Meeting on Preliminary Hearing closed.

Town Board Minutes resumed:

Motion made by W. L. Lowe, seconded by D. F. Clark that Fred Blanchard be appointed as Dog Enumerator for 1964. Approved.

→ Motion made by W. L. Lowe, seconded by D. F. Clark to adopt resolution concerning Town Hig ways. Carried

Donald A. Goff, Guy H. Mason and Frank Bayless attended the Board Meeting regarding the Essex Water Company. Donald A. Goff presented a petition to the Town Board with the signatures of 53 persons out of a possible 59.

Motion made by G. G. French, seconded by W. L. Lowe, we accept the petition from the petitioners of the Essex Water Co. authorize the Supervisor to contact proper authorities and obtain necessary information for the forming a water district. Approved.

Motion made by W. L. Lowe, seconded by D. F. Clark, we approve agreement control of Snow on State Road and Snow & Ice on County Roads. Approved.

Motion made by W. L. Lowe, seconded by D. F. Clark, the amended Preliminary Budget be adopted as the Annual Budget. E. W. Cross, yes; G. G. French, yes; D. F. Clark, yes; W. L. Lowe, yes; D. S. Walker, yes; Carried.

Motion made by G. G. French, seconded by D. S. Walker meeting adjourn, 7:30 P.M. to resume and finish meeting.

Minutes read and approved.

Barbara M. Sweatt.
Clerk

DEPOSITION
EXHIBIT

11

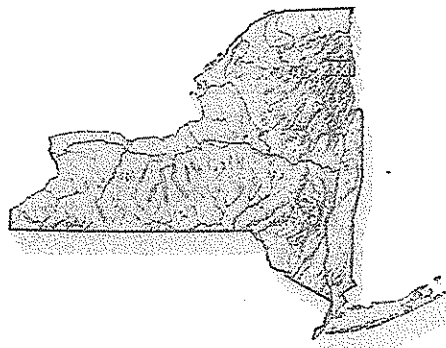
ut 9/18/67

4473-131-T25

1:25 000-scale *metric*
topographic map of

Willsboro

NEW YORK - VERMONT



7.5 X 15 MINUTE QUADRANGLE
SHOWING

- Contours and elevations
in meters
- Highways, roads and other
manmade structures
- Water features
- Woodland areas
- Geographic names



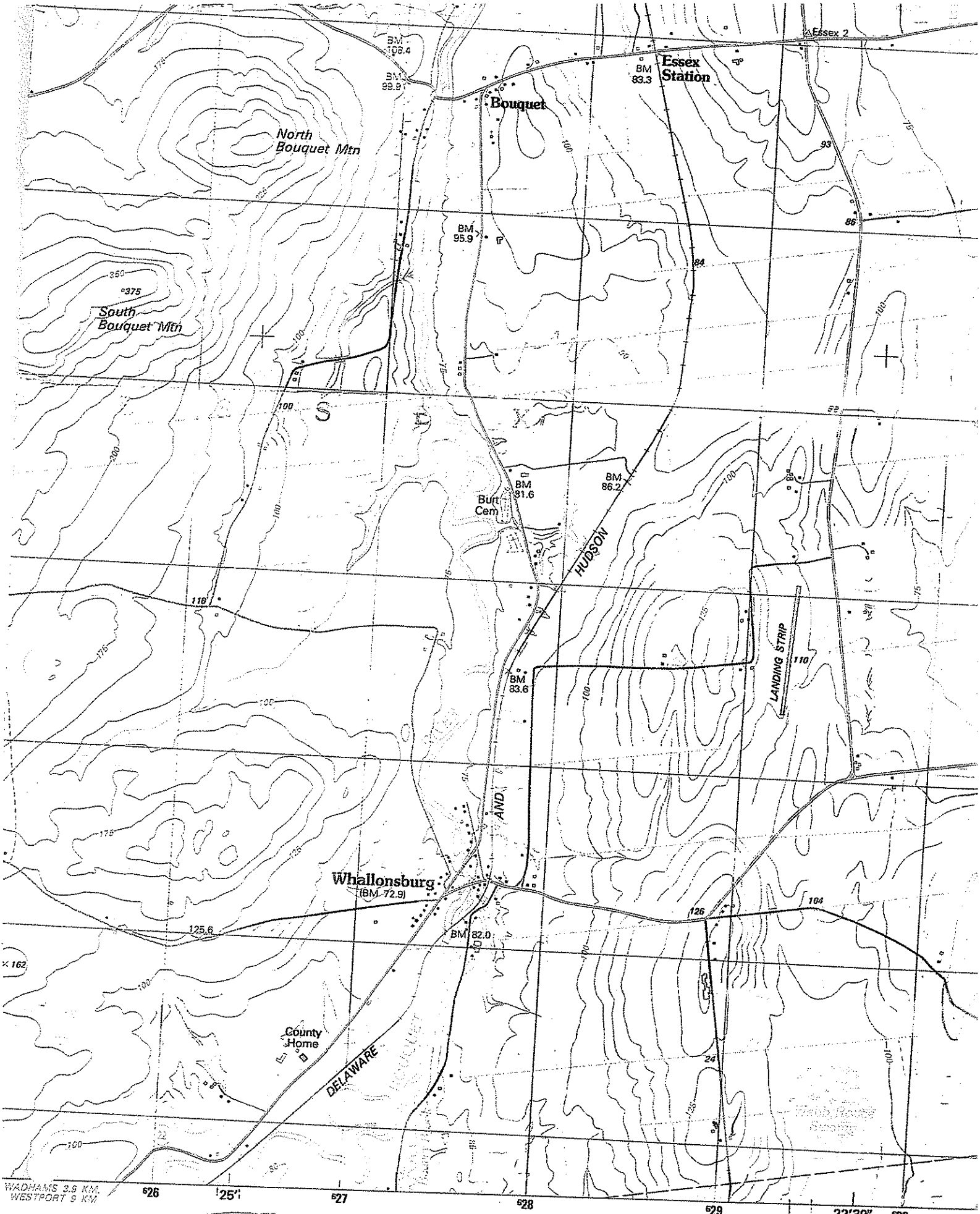
GEOLOGICAL SURVEY

1980

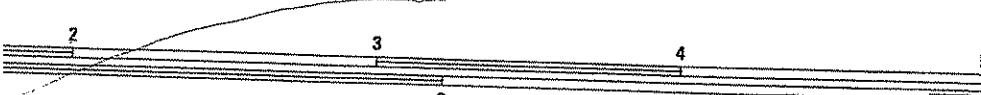
DEPOSITION
EXHIBIT

12

9/18/07



WADHAMS 3.9 KM.
WESTPORT 9 KM



SCALE 1:25 000

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

Route 86 - P.O. Box 296, Ray Brook, New York 12977

Phone: (518) 897-1242/1243 • FAX: (518) 897-1245

Website: www.dec.state.ny.us



August 15, 2000

*filed
BUD (AT)
(with
other
Wollastonite
papers)*

Ms. Nancy P. Hatch
481 Point Road
Willsboro, New York 12996

RE: Wollastonite Tailings

Dear Ms. Hatch:

We are in receipt of a recent letter from you concerning application of wollastonite tailings to the Willsboro Point Road in Essex County. Your letter expresses concerns regarding the potential health impacts associated with use of wollastonite tailings in road repairs, and specifically requests verification from this Department that the wollastonite is not a hazardous material and will not cause respiratory distress.

In general, mine tailings are no longer considered a solid waste when they are beneficially used as a substitute for conventional aggregate, consistent with paragraph 6 NYCRR Part 360-1.15(b)(11) of New York State's solid waste regulations. Consequently, wollastonite tailings are not regulated by this Department as a solid waste when used for road repairs or similar applications.

With regard to any hazardous characteristics attributable to wollastonite, we have previously required chemical analysis of wollastonite tailings in conjunction with an evaluation of the beneficial use referenced above. This chemical analysis indicated that the tailings will not leach contaminants at concentrations that would impact the environment. Furthermore, wollastonite is not considered a hazardous waste consistent with 6 NYCRR Part 371.

We suggest you contact William Amberman, P.E. of the New York State Department of Health, Saranac Lake District Office, for further information concerning any possible respiratory problems associated with the wollastonite tailings; however, we note that the Materials Safety Data Sheet (MSDS) for wollastonite states that it is considered to be a nuisance dust. The MSDS also cautions that long term cumulative inhalation of heavy concentrations of wollastonite may cause restriction of the large airways.

Please do not hesitate to contact me at (518) 897-1243 if you have any further questions or concerns.

Sincerely,

George A. Stahler, P.E.
Regional Solid & Hazardous Materials Engineer

GAS:bl

cc: W. Amberman, NYSDOH



13

ut

9/18/00

7/31/00
12:00
JO

Dept. of Environmental Conservat.

Regional Capital Region 3
Ray Brook, NY 12987

Nancy P. Hatch
481 Point Road
Willsboro, New York 12996

New York State Department of ENCON
Raybrook, New York

Dear Sir or Madame:

I was informed this evening by the town supervisor of Willsboro, New York, Theresa Sayward, that the Department of ENCON says that the substance known as wollastonite dust is not a hazardous material. This substance is being applied to the Willsboro Point Road in conjunction with a water works project. The product is on the road in front of my home and with every car that passes a huge cloud of dust rolls over my property and into my home. I have a grand daughter who has a respiratory condition and will be spending the summer in this home.

Please send me a letter advising me that this is not a hazardous material and will not cause respiratory distress.

Sincerely yours,



Nancy P. Hatch

9

JUL-28-00 10:00 AM
Nancy P. Hatch
481 Point Road
Willsboro, New York 12996

July 28, 2000

Mr. Fred Buck, Superintendent
Essex County Department of Public Works
HCR #1, Route 9, Box 327
Ellizabethtown, New York 12932

Dear Sir:

Since you neither had the courtesy to answer my phone calls nor my letter, I am once again requesting that you answer my questions and give me the proper information.

I requested information on wollastonite dust. You sent MSDS for wollastonite. I am very distressed that even after our many correspondences, wollastonite dust is still being dumped only in front of my home. My grand daughter, who suffers respiratory illness, has been ill since her arrival here. I am sure the dust is adding to her distress. I cannot believe that sand has been used for fill everywhere except in front of my home.

The hazardous warnings in the MSDS for wollastonite and our request for some consideration for our family's health should warrant at the very least a response from you.

The men on this project under the leadership of the town of Willsboro and the County of Essex have been very remiss in their duties to the taxpayers of Willsboro Point.

If something is not done to remove the hazardous material from in front of my home, We will be taking legal action.

Nancy P. Hatch



Cc: New York State Attorney General
New York State Health Department
Adirondack Park Agency
Willsboro Department of Public Works
Department of ENCON

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials, Bureau of Solid Waste, Reduction Recycling
625 Broadway, Albany, NY 12233-7253

Granted Beneficial Use Determinations
Sorted by Waste Type

BUD #	Region	Facility Name	City	State	Waste Types	Beneficial Use	Description
534-0-00	OS	Nature's World	Glen Cove	NY	Tailings (Coal Mining)	Mulch	Use material unparted in the process of coal mining in Appalachia which self-combusted leaving stone-like material as "Moss Creek Mulch."
210-5-57	5	Barion Mines Corporation	Lake George	NY	Tailings (Mine)	Landfill Closure	Use mine tailings as barrier protection layer and/or gas venting layer for landfill closure.
152-5-16	6	NYCO Minerals, Inc.	Willisboro	NY	Tailings (Wollastonite)	Base (Road)	Use wollastonite tailings as stabilization material on dirt roads and parking lots.
140-5-16	5	NYCO Minerals, Inc.	Willisboro	NY	Tailings (Wollastonite)	Fill Base (Sub), Grading, LF	Use Wollastonite tailings from NYCO Willisboro facility as base for paved roads; backfill & grading for construction work; fill for dirt roads.
623-7-34	7	Honeywell/Allied Signal	Solvay	NY	Tar	Sealant (Driveway)	Use tar residue in sealing ponds as raw material for driveway sealant.
625-7-34	7	Honeywell/Allied Signal	Solvay	NY	Tar	Solvent (BTEX), Fuel	Disfill tar residue from sealing ponds into commercial grade BTEX solvent and fuel.
626-7-34	7	Honeywell/Allied Signal	Solvay	NY	Tar	Fuel (No. 2)	Disfill tar residue from sealing ponds into No. 2 fuel.
192-9-07	9	Enviromoil Corporation	West Milford	NJ	Television Tube Cullet	Glass Products	Use television coated cullet waste to manufacture glass products.
166-5-10	5	Marina at Lighthouse Point, Inc.	Rouses Point	NY	Tire	Breakwater	Use tires to construct a fire breakwater system.
226-7-55	7	Ms. Sara Jones & Mr. Craig Dunn	Ithaca	NY	Tire	Wall	Use tires to construct earth filled walls for houses.
228-9-32	9	National Fuel Supply Corporation	Hamburg	NY	Tire	Bodding (Pipe)	Use waste tires as a pipeline bodding material.
235-6-23	6	Fort Drum	Fort Drum	NY	Tire	Wall	Use waste tires to construct a "tire house" to train army personnel.
263-4-20	4	Lehigh Cement Company	Catskill	NY	Tire	Fuel	Use waste tires to burn as a fuel.
335-4-01	4	St. Lawrence Cement Co., LLC	Catskill	NY	Tire	Fuel	Burn tire-derived fuel in cement kilns.
374-5-57	5	Chesterdown Conservation Club	Chesterdown	NY	Tire	Backstop (Shooting Range)	Use waste tires in the construction of a berm and a backstop at a shooting range.
483-3-56	3	Town of Shawangunk	Wallkill	NY	Tire	Erosion Control Mat	Use approximately 100 - 150 tires to create a small erosion control mat to as a substitute for large riprap at the toe of the existing drainage channel.
489-6-22	6	Town of Webb	Old Forge	NY	Tire	Erosion Control	Use tires for erosion control at culvert crossings on Town's snowmobile trails.
588-6-25	6	Adirondack International Speedway	Castroland	NY	Tire	Wall (Barrier-Race/Track)	Use waste tires in the bales ("Enviro-Block") which bound together will form a barrier wall at Adirondack International Speedway.
609-4-01	4	Arthritis Foundation; NENY Chapter	Albany	NY	Tire	Wall (Barrier-Race/Track; Temp)	Use waste tires combined with hay bales and snow fencing in the construction of a barrier wall at a temporary race track at Tait Furniture Warehouse.
850-4-47	4	Tire Conversion Technologies, Inc.	Glenville	NY	Tire	Lumber (Synthetic)	Use waste tires to manufacture synthetic lumber (Duraboard TM plank) for specialized construction projects.
684-3-56	3	Sleve Goldman; PE	West Nyack	NY	Tire	Fill	Use two inch tire shred as backfill around house foundation.
702-9-32	9	Modern Recycling, Inc.	Model City	NY	Tire	Mulch (Landscaping)	Use tire buffings; 3/8" nominal granulated tires; 1" nominal chips and crumb rubber (89.9% wire free) as a landscaping mulch for res or comm use.
703-9-32	9	Modern Recycling, Inc.	Model City	NY	Tire	Playground Surface Material	Use tire buffings; 3/8" nominal granulated tires; 1" nominal chips and crumb rubber (89.9% wire free) as a playground material.
786-7-06	7	Interstate Recycling Corp.	Auburn	NY	Tire	Rumble strips	Use waste tires to manufacture rumble strips for audible warning in construction work zones.
764-9-07	9	Chautauque County	Falconer	NY	Tire (Bales)	Base; road	Use tire bales as a substitute for conventional aggregate (subbase) in road construction.
250-9-32	9	Modern Recycling, Inc.	Model City	NY	Tire (Buffings)	Surface Material (Horse Arena)	Use tire buffings on outdoor horse arenas.
343-9-02	9	Houghton College Equestrian Center	Houghton	NY	Tire (Buffings)	Surface Material (Horse Arena)	Use tire buffings for surface treatment and soil conditioning at indoor/outdoor riding arenas at Houghton College Equestrian Center.
910-4-20	4	Dave Osborn's Family Fun Park	Catskill	NY	Tire (Chips)	Base (Road)	Use tire chips as road base for private driveway.
043-3-56	3	Jodi Scribner	Saugerties	NY	Tire (Chips)	Base (Road)	Use tire chips as a road base material for private driveway.
103-3-56	3	Tire Recycling, Inc.	Saugerties	NY	Tire (Chips)	Fill	Use tire chips as a road base material for private driveway.
174-7-09	7	AES Jennison, L.L.C.	Bambridge	NY	Tire (Chips)	Fuel	Use tire chips as fuel in the production of electricity at the Jennison Station.

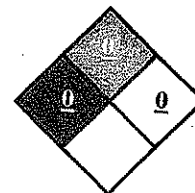
DEPOSITION
EXHIBIT

14
9/18/07

Health	1
Flammability	0
Physical Hazard	0
Personal Protection	B

HMIS Rating

NYCO® MINERALS, INC. MATERIAL SAFETY DATA SHEET



NFPA Rating

SECTION I - CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

Trade Name: NYAD®, NYGLOS®, RRIMGLOS®, NYCOR®,
ULTRAFIBE® - Various grades, untreated

MSDS Number: W100

Synonyms: Wollastonite, Calcium silicate

Revision: 2

Manufacturer: NYCO® Minerals, Inc.

Date Issued: 6 October 2005

Address: 803 Mountain View Drive
Willsboro, NY 12996-0368, USA

Emergency Phone: 518-963-4262

Manufacturer FAX: 518-963-1110

SECTION II - COMPOSITION/INFORMATION ON INGREDIENTS

Chemical Name	CAS Number	EINECS No.	%	TLV	PEL
Natural wollastonite	13983-17-0	237-772-5	>99.5	10 mg/m ³ (t)	15 mg/m ³ (total)
				3 mg/m ³ (r)	5 mg/m ³ (resp)

Key: TLV = ACGIH, 8 hr. Time Weighted Average (TWA) for Particulates Not Otherwise Classified (PNOC); ^t = Inhalable fraction;
^R = Respirable fraction; PEL = OSHA permissible exposure limit for Particulates Not Otherwise Regulated (PNOR); ^{total} = Total dusts;
^{resp} = Respirable dusts.

SECTION III - HAZARDS IDENTIFICATION

Specific Risks: Airborne particulate created during handling is considered nuisance dust and should be minimized through the use of good work practices and adequate ventilation (see sections VII and VIII for suggested handling and engineering controls).

HMIS Rating: Health: 1 Flammability: 0 Physical Hazard: 0 Personal Protection: B

Primary Routes of Entry: Via respirable dust to the lungs and respiratory system and via coarse dust and particulate to the eyes.

Primary Target Organs: Lungs, respiratory system and eyes.

Potential Health Effects:

Inhalation: Irritating to the mucous membranes and respiratory tract. Excessive exposures to dust may cause sore throat, coughing or upper respiratory irritation.

Skin Contact: Possible dryness or irritation resulting from long term exposures to product dust.

Eye Contact: A mechanical irritant which can cause moderate to severe eye irritation.

Ingestion: Non-hazardous when ingested. Prolonged or repeated exposure may be irritating to mouth, throat and esophagus (sore throat, nausea and retching). Potentially a mild irritant to the GI tract if excessive quantity is ingested.

Medical Conditions Aggravated by Exposure: Pre-existing chronic upper respiratory and lung diseases such as, but not limited to, bronchitis, emphysema and asthma.

Reviewed: 6 October 2005

DEPOSITION
EXHIBIT

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Trade Name: NYAD®, NYGLOS®, RRIMGLOS®, NYCOR®, ULTRAFIBE® - Various grades, untreated MSDS Number: W100
Carcinogenicity: This product is not classified by NTP or OSHA. IARC classifies wollastonite as Group 3:
Unclassifiable as to carcinogenicity to humans.

SECTION IV - FIRST AID MEASURES

Inhalation: Remove to fresh air. Drink water to clear throat and blow nose to evacuate dust. If coughing and irritation develop, call a physician.

Eye Contact: Flush with large amounts of water until irritation subsides, as least 15 minutes. See a physician if irritation persists.

Skin Contact: Normal good personal hygiene practices. Wash with mild soap and warm water after each exposure.

Ingestion: Emergency procedures not normally required. May be a temporary irritant to the GI system.

SECTION V - FIREFIGHTING MEASURES

NFPA Rating: Health: 0 Flammability: 0 Instability: 0 Special Hazards: 0

Flashpoint and Method: This is a non-flammable product.

LEL: N/Ap

UEL: N/Ap

Extinguishing Method: Not applicable. Product will not burn.

Special Firefighting Procedures: Not applicable.

Fire or explosion Hazards: None.

SECTION VI - ACCIDENTAL RELEASE MEASURES

Clean-up Procedures: Avoid creating airborne dust. Dust suppressing cleaning methods such as wet sweeping or vacuuming should be used to clean the work area. If vacuuming, the vacuum must be equipped with an efficient secondary filter (such as a HEPA filter). Compressed air or dry sweeping should not be used for cleaning. Scoops or shovels may be used to minimize dust. Use respiratory protection in dusty conditions.

Personal Precautions: If dusty conditions exist, wear a face mask approved for use with dusts such as 3M 8511, N-95 or equivalent.

Environmental Precautions: None normally required. Product contains naturally occurring minerals.

SECTION VII - HANDLING AND STORAGE

Storage Requirements: Store in dry area in sealed containers. Always segregate materials by major hazard class.

Special Sensitivity or Incompatibility: Avoid contact with strong acids.

Handling Precautions: When handling the product, avoid exposure, assure proper respiratory protection if dust potential exceeds PEL/TLV. Limit use of power tools unless in conjunction with local exhaust. Use hand tools whenever possible. Frequently clean the work area with HEPA filtered vacuum or wet sweeping to minimize the accumulation of debris. Do not use compressed air for clean-up. Good housekeeping practices should be employed to prevent generation and accumulation of dusts.

SECTION VIII - EXPOSURE CONTROLS/PERSONAL PROTECTION

General Information: The manufacturer has not established a specific recommended exposure guideline for wollastonite. As with most industrial materials, it is prudent to minimize unnecessary exposure to respirable dusts. Note that industrial hygiene standards and occupational exposure limits differ between countries and local

jurisdictions. Check with your employer to identify any "respirable dust", "total dust" or "fiber" exposure standards to follow in your area. If no regulatory dust or fiber control standard apply, a qualified industrial hygiene professional can assist with a specific evaluation of workplace conditions and the identification of appropriate respiratory protection practices.

Respiratory Protection: For dust concentrations below the applicable exposure limit value, personal protection equipment is not required. If PEL/TLV is exceeded, wear an approved face mask such as 3M 8511, N-95 or equivalent, to protect against dust. The evaluation of workplace hazards and appropriate respiratory protection is best performed on a case by case basis, by a qualified industrial hygienist.

Eye Protection: Wear safety glasses with side shields or goggles to protect eyes against dust and particulate matter.

Skin Protection: Under normal conditions use of protective gloves and clean, body-covering clothing are adequate.

Engineering Controls: Maintain sufficient mechanical or natural ventilation to assure dust concentrations remain below PEL/TLV. Dust suppressing control technologies such as local exhaust ventilation, point of generation dust collection, down draft work stations, emission controlling tool designs, and materials handling equipment are effective means of minimizing airborne fiber emissions. The need for ventilation should be evaluated by a professional industrial hygienist. Ventilation systems should be designed by a professional engineer.

SECTION IX - PHYSICAL and CHEMICAL PROPERTIES

Physical Form: White acicular, free flowing non-metallic mineral powder. No characteristic odor.

Melting Point: 1540° C

Solubility in Water: 0.01 g/100 cc

Density: 2.9 g/mL

pH: 9.9 Aqueous Solution

SECTION X - STABILITY and REACTIVITY

Stability: Product is stable under normal conditions.

Hazardous Polymerization: Cannot occur.

Incompatibilities: None in designed use.

Conditions to Avoid: None in designed use.

Decomposition Products: No hazardous products of decomposition.

SECTION XI - TOXICOLOGICAL INFORMATION

LD₅₀: N/Av

LC₅₀: N/Av

Toxicology and Epidemiology Overview:

A review on the toxicology and epidemiology of wollastonite was published in 2005 in the journal *Inhalation Toxicology* (Maxim and McConnell, 2005; see references in Section XVI). In general, studies have focused on the effects of wollastonite on the lungs and have been negative for pulmonary fibrosis, lung cancer, or mesothelioma. Maxim and McConnell (2005) conclude that there is inadequate evidence for the carcinogenicity of wollastonite in animals and, based on strong evidence that wollastonite is not biopersistent, believe that a well-designed animal inhalation bioassay would have a negative result. The epidemiological evidence for wollastonite is limited, but does not suggest that workers are at significant risk of an increased incidence of pulmonary fibrosis, lung cancer, or mesothelioma. Morbidity studies have demonstrated a non-specific increase in bronchitis and reduced lung function.

Toxicological Hazards:

Trade Name: NYAD®, NYGLOS®, RRIMGLOS®, NYCOR®, ULTRAFIBE® - Various grades, untreated MSDS Number: W100
The International Agency for Research on Cancer (IARC) has classified wollastonite as Group 3: Unclassifiable as to carcinogenicity to humans.

The Australian National Occupational Health and Safety Commission (NOHSC) noted that "there is sufficient evidence for the non-toxicity and non-carcinogenicity of wollastonite fibers in experimental animals" and that there

is "inadequate evidence for the toxicity and carcinogenicity of wollastonite fibers in humans." (Douglas, 2001; see reference in Section XVI).

The German MAK Commission evaluation states: In all probability, wollastonite fibers do not have any carcinogenic affects.

Teratogenicity, Mutagenicity, other Reproductive Effects: None known.

SECTION XII - ECOLOGICAL INFORMATION

Ecological Hazards: Wollastonite is a naturally occurring mineral. Unless contaminated in service, this product is neutral to the environment. Wollastonite is listed with a Wassergefährdungsklasse (WGK) hazard of "1 - slightly hazardous to water" under the German Federal Water Management Act.

SECTION XIII - DISPOSAL CONSIDERATIONS

Waste Disposal Method: Wollastonite is not classified as a hazardous waste according to Federal regulations (40 CFR 261). Any processing, use, alteration or chemical additions to the product, as purchased, may alter the disposal requirements. Wollastonite may be disposed in an approved landfill unless contaminated in service. If contaminated with hazardous materials, place waste in suitable container. Seal and properly label the waste container. Send the container to an approved Transportation, Storage and Disposal (TSD) facility via an approved waste hauler. Be sure manifests have been completed and an adequate "Paper trail" has been established.

SECTION XIV - TRANSPORTATION INFORMATION

US DOT Shipping Name: Not regulated

DOT Label: None

UN/NA Number: None

Canadian TGD Shipping Description: Not regulated as dangerous goods according to Canadian TDGA.

International Dangerous Goods Information:

IMO: Not regulated as dangerous goods according to the IMDG Code.

ICAO: Not regulated as dangerous goods according to the IACO Technical Instructions.

SECTION XV - REGULATORY INFORMATION

Refer to Section II for occupational exposure limits in the United States.

International Occupational Exposure Limits:

Great Britain	10 mg/m ³ (total inhalable dust); 4 mg/m ³ (respirable dust)
Austria	10 mg/m ³ (total dust)
France	10 mg/m ³ (general dust)
Ireland	10 mg/m ³ (total dust); 4 mg/m ³ (respirable dust)
Poland	4 mg/m ³ (total dust)
Denmark	1 fiber/cm ³ (wollastonite)
Sweden	0.5 fibers/ml (natural fibers)
Canada, Quebec	1 fibre/cm ³ (wollastonite TWAEV)

International Inventory Listings:

Australia: AICS: Wollastonite is included in the *Australian Inventory of Chemical Substances*, June 1996 Ed..

Trade Name: NYAD®, NYGLOS®, RRIMGLOS®, NYCOR®, ULTRAFIBE® - Various grades, untreated
Canada: **DSL:** As a naturally occurring substance, wollastonite is considered to be on the Canadian Domestic Substances List (DSL). MSDS Number: W100
WHMIS: Not controlled by WHMIS.

China: **IECSC:** Wollastonite is included in the *Inventory of Existing Substances in China*.

EEC: **EINECS/ELINCS:** All components of this product are included in the EINECS AND ELINCS EEC Chemical Inventories.

IUCLID: Chemical information on wollastonite has been submitted for inclusion in the *International Uniform Chemical Information Database*.

67/548/EEC: ALTox a/s has on 27/7/98 evaluated and determined that wollastonite is not to be classified according to EEC directive (67/548/EEC).
95/3/EC, Annex III: Listed for use in "Plastic materials and articles intended to come into contact with foodstuffs."

Japan: **ENCS:** Wollastonite is exempt from the list of *Existing and New Chemical Substances* as a naturally occurring mineral.

Korea: **ECL:** Wollastonite is included in the *Korean Existing Chemical List*, ECL Number KE-35416.

Philippines: **PICCS:** Wollastonite is included in the *Philippine Inventory of Chemicals and Chemical Substances*.

USA: **EPA-TSCA:** Wollastonite is exempt from the *TSCA Inventory* as a naturally occurring mineral. All proprietary surface treatments are included on the *TSCA Inventory*.

EPA-CERCLA Reportable Quantity: N/Ap.

EPA-SARA Title III: Substances in this product are not reportable under Section 313.

EPA-FIFRA: Wollastonite is present on the list of Pesticide Product Inert Ingredients.

FDA: Approved as pigment or colorant in food contact surface coatings, 21 CFR 175.300.

OSHA: Particulate is regulated as nuisance dust - Particulate Not Otherwise Regulated (PNOR).

ACGIH: Particulate is regulated as a nuisance dust - Particulate Not Otherwise Classified (PNOC).

SECTION XVI - OTHER INFORMATION

References:

- Douglas, D. (2001). Chrysotile Asbestos Health Assessment of Alternatives. National Occupational Health and Safety Commission, March 2001. Available online at: <http://www.nohsc.gov.au/pdf/drafts/chrysotile-ha-mar-01.pdf>.
- IARC Monograph (1997). 68:283-305.
- Maxim, L.D., and E.E. McConnell, (2005). A Review of the Toxicology and Epidemiology of Wollastonite. *Inhalation Toxicology* 17:451-466.
- TOMES®: Hazardous Substances Data Bank, Registry of Toxic Effects Chemical Substances.

Prepared by NYCO: The foregoing information has been compiled by NYCO from sources it considers reliable and as of the date of this document, is believed to be accurate to the best of NYCO's knowledge. Before using the product identified hereon, all of the foregoing information should be carefully considered. The information herein applies only to the product identified hereon and does not relate to its use in combination with any other material or in any process. The information is provided in good faith to comply with applicable laws. However, no warranty or representation of law or fact, with respect to such information, is intended or given.

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