

FRANCINI INC.

MARBLE & GRANITE

Fabrication and Use Agreement

Francini, Inc. ("Francini"), the worldwide distributor of Natural Stone, and the undersigned Customer, enter into this Fabrication and Use Agreement, which sets forth important fabrication and installation guidelines which are vital to protect the Fabricator and its' employees. Customer, if different than the Fabricator, understands the importance of this Fabrication and Use Agreement and agrees to convey this Agreement and enforce its provisions with the Fabricator. Customer and Francini agree as follows:

Safety Requirements

It is the Fabricator's responsibility and duty to its' employees to ensure that the employees are fully utilizing safety procedures to comply with all local OSHA laws as well as to avoid liability to Francini and/or Fabricator for any exposure to Crystalline Silica during the fabrication process. While Natural Stone slabs are not hazardous in their slab form, or as used by the end user, the fabrication process can allow for harmful exposure to Crystalline Silica. Fabricator agrees to properly train employees and independent contractors in the fabrication and processing of natural stone slabs, including the processes of sawing, cutting, grinding, breaking, crushing, drilling, sanding, or sculpting. These processes generate dust that can be dangerous to health and can cause several illnesses such as silicosis, lung cancer, fibrosis of the lungs, tuberculosis, kidney diseases, abrasions of the cornea, and irritation of the skin and eyes. Fabricator shall provide its' employees with:

1. Proper exhaust ventilation;
2. Protective equipment;
3. Dust control equipment;
4. N95 NIOSH certified respirators, and where needed, type CE abrasive-blast supplied-air respirator;
5. Disposable or washable clothes and shower facilities;
6. Exposure monitoring and health screenings;
7. Segregated eating/drinking in areas where crystalline silica dust is not present;
8. Hand and face washing facilities outside dusty areas; and
9. First aid implements including an eye wash station

Customer's Agreement

Regardless of whether Customer is the Retailer, End-User/Homeowner, or Fabricator, Customer, is responsible to assure Fabricator reviews and follows the foregoing guidelines and provides the same information to each of its' employees. Customer, if not the Fabricator, shall bind the Fabricator in a written agreement, to jointly along with Customer, hold Francini harmless for any injury, illness or death caused to Fabricator's employees arising from Crystalline Silica or other dust, as well as any other hazards arising from storage, fabrication or installation of Natural Stone. Customer agrees that if any claim, demand or suit is filed against Francini which relates to or arises from the storage, fabrication or installation of the Natural Stone product, or the failure of Fabricator to follow these guidelines, Customer and Fabricator shall defend and indemnify Francini for the claim, suit or demand.