

CONOCO CHEMICALS
1981 Industrial Hygiene Seminar
La Mansion Del Rio Hotel
San Antonio, TX

PRELIMINARY AGENDA

WEDNESDAY, MARCH 4, 12:00 pm

Welcome/Administration

Employee Communication Program

-- Channel 2 Videotape "Chemicals and Cancer"

M. Reynolds
J. Withey

Medical Testing Program

-- Past and Present: Policies and Procedures

T. Grumbles
J. Hall
Dr. Massad
R. Lehmkuhl

-- Purpose: Management's View

Regulatory Update

THURSDAY, MARCH 5, 8:00-5:00 pm

Industrial Hygiene Policy and Procedures

T. Grumbles

-- Exposure Abatement Program

-- Deregulation of Areas

-- Written Determinations

-- Computerized Data Storage System Update

-- Radiation

-- New Material Safety Data Sheets

Legal Presentation and Discussion

Legal Dept.

-- Contractor Policies & Responsibilities

-- OSHA Inspection Guide

Air Sampling Methods

-- Passive Dosimetry

P. Fetzer

-- Asbestos Identification and Sampling

FRIDAY, MARCH 6, 8:00-12:00pm

Chemicals Mortality Study Update; NCI Baltimore Study

Industrial Hygiene Audit Program

Roundtable Discussion - EO and Benzene

VVC 00009540

Problems with the drive control

- e. If on site personnel can't or won't have
- d. Minimum of 50 testing/day desired

is provided (would increase normal number)

2. can split work year for 14 hr workers
- a. split shift 1st practice (time split)

c. Scheduling structure - seven consecutive hours

b. Company has 3 computer / non-computer users

A. Company books 90 days ahead - probably monthly update

3. Bob Demsey Vice-Pres Health Examination Service

Company

d. Would like to coordinate ahead of other companies

is now out of business

1. Past Problems briefly filed - past testing company

Medical Testing Program

Position paper - chemicals and cancer

4. Ad the speak out Committee

- Plant "Horror" stories

be able to answer question on plant problem

would view this material -

A. Would like to talk on how employees

3. American Industrial Health Council - film on cancer

Hazard in the Industry Workshop

2. Example of reporting - 5 day TV serial on cancer

out against bias reporting (Night Line)

d. Industry special communication programs - speaking

Employee Committee

f. Try to schedule first AS A late start
 3. Driver to call no later than one week in advance

H. The sub-manager is to call one day in advance of testing

Regulatory Update

1. Keep OSHA Form 200
2. Place standard outside of the 60 day freeze.
3. Generally Corro makes comments through Task force groups API, SDA, CMA rather than individual company comments
4. Chemical Hazard Identification Standard - Reserve
5. Carcinogenic standard is 5th circuit -
 No indication of status may or may not have std.
 maybe class I or class II - If pass only industry can remove
 list of 10 would come from list of 100 issues list
 can ask what the top chemicals would be - not
 particular to Corro
6. Benzene standard Not dead - may be brought back with proper reworking
7. Hearing Conservation standard Part I
 - a. Chamber of Commerce - ASKED for revision of press
 - b. Hqs Guy Warren (Pomona City) conducted a noise contour study of our plant within the last 2 years
 IF Not - we need it.

2. IF over 85 Decibels for 8-hr must do monitoring
who, when, why, still questions

d Phase II of standard will require
Engineering Corrections

e Have until Oct 15 to do initial determination
- plant summary?

f Data Collection must be sufficient to gain 20% error

3 April 15th 1982 - must have baseline audiograms on machine

4 April 15th 1982 dosimeters in use but need calibration
(Standard written for Topoline General Radio Unit.)

I Health Examination Equipment will meet Specs
(per Dempsey)

Medical And Exposure Standards

1. Question to be Answered - Standard or is it a regulation
Regulation in District Court

Standard in Circuit Court of Appeals

2. Compliance Officer Needs Access Order Court

OSHA needs before he gets to see records

3. OSHA Contact John Marton LK 202-523-8031

4. Request (Union's) must be specific - 15 day clock

5. First Aid Records Not medical Records

6. IF we get request for medical or exposure records:

Contact And Notice Houston

7. Must have documented Analytical methods

8. Keep All old methods in file

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9. Company can restrict workers in work place

HS 660 - trapped this very close now remains

Tom Harvey

Industrial Hygiene Seminar

Ed Layton

Mr. Woody Massey

NIGHT LINE !!

5 nights

DMSO

Special Communication Program

Jim Whitney

Jim Hall

Gene Wright

Bob Lemkau

Art Mansonske

Jim Pavo

9. List of whats out in the plant?

Distinction between lawsuit & general info.

Horror stories

Bob Friday leaving

American Industrial Health Council

Lemkau 11. vcm and lead - only required testing.

Topic Exposure

Energy Conservation

9. If it is worth doing with outside contractors } why
aren't we getting our own van

Quote "If you don't do it first class, you don't do it"

Conoco Chemical Medical Survey (Screening)
is far ahead of other Conoco Inc. Dept.

Bob Dempsey - San Diego - scheduling of visits

(Guideline) Environmental Health Examination

→ Booked 90 days ahead ←

(Fanny Jameson)

Should have request map day
(3 computerized / non-computerized) - VAVS

3-24

#2

Scheduling structure - any given time -
but seven continuous hours

Split Shift (Health Exam) not practical

If we abide by his scheduling criteria,
Health Examination will stay until the testing
is complete.

A minimum number of 50/day
is desirable

Crew of six - 5 test - one maintenance
units will need power and water

If the on site people can't or won't handle
a problem when it arises at the plant Call
Bob Dempsey

Try to make the first day a later start.
Driver to call no less than one week in advance
the ^(unit manager) Crew Chief to call one day in advance
of testing

Important

Can split the ~~split~~ operating
group into two groups to run a 14 hour
day. Possibly a crew of 8

Regulatory Update

Keep OSHA Forms 200

Noise standard outside of the 60 day freeze

Takes our comments through the task force rather than "Comms" comments
"API" "SDA" "CMA"

①

Carcinogen standard in 5th circuit

OSHA amended - No indication of the action of 5th circuit - may have a standard - may be thrown out -

The standard may be Class I or Class II

If passed only thing the industry could contest, - ~~was to~~ would be classification

Class I would come from the 109 ~~issued~~ loss fall - list would comprize 10 ~~and~~ chemical

(Ask for list of suspect "10")
Criteria

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②

Hearing Conservation Standard - Part I

Chamber of Commerce - Asked for review of areas

How we ~~say~~ ^{Warren} ~~Warren~~ contour of the plant in last 2 years
(need contour, dosimeter data)
If over 85 for 8 hrs must do monitoring
who, when, why is still questioned.

Phase II of the Noise Standard will require Engineering correction

We have until Oct 15 to do initial determinative (procedures)

Data must be documented to avoid problem

Initial

April 15, 1982 must have baseline audiogram (On individual)

* April 15, 1983

Noise dosimeter that meets spec. and many more are required.

What Health Examiner Radio (top of the line should ~~that~~?) another FH2 station

April 15 effective date -

Medical + Exposure Standard (Is it a standard or regulation)

Regulation - distinct
Standard Current laws
of appeals

OSHA Compliance officers need a specific access record order from the OSHA office before he gets to see the record.

III
John Martin
mutonile
OSHA
3-803

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Union request for medical records -
Can request to more specific 15 day clock
doesn't start -

First aid records are not medical records

Chemical and Chemical Data sheets are updated
may include by products

If we get a request for medical or exposure
records contact Houston

Procedures are still in effect for requesting
records

— Must have documented methods
— (Keep all the old methods documented)

We can restrict workers ex EEO dropped the
very strict requirements

Shurs.

3/5/81

Industrial Hygiene Program
A. Exposure Abatement Program

1) Chemical - "Safety Data Sheet" - ~~in~~ - Safety handbook

Rechecked on some stated frequency

2) Some of the groups asked for written determinations

Regulated jobs

Some guidelines coming from Greenbelt on deregulation

Social Security No and Name for all employees

Past historical monitoring

(Radio RSO (Radiation-Safety-officer)
for radiation sources
(Density and level gauges Instrumentation))

(High density polyethylene will have many units)

No !! 318-491 - 5/42 (Guard House)

Asbestos - SKE reagents in field
testing

Asbestos Screening test Kit

SKE Inc.

CPH Inspection Services Notified until
received from Groundwater Info

from West - Susan King home

Length of time
Tools used
Funding

Right & release control of asbestos employees
must be - community cleanup

Remediation type test

	Exposure	No Exposure
	OSHA must only	IF Employer creates
Control	show record	Hazard, will be found
		based on its employees
		or employees' exposure

	<u>Contractors' defense</u>
No	1. No Control
Control	2. Supervisory authority limited specialization
	AND ?
	3. Used realistic measures

should inform their supervisor

Medical - Services & Testing responsibilities of contractor should be rethought

Contractors would like to have input as to medical/legal problems.

Equipment, training

Friday March 6/81

Industrial Hygiene Audit

(would prefer to
start in April)

Mike Hayes - Training Program under RARA
Should be available on May 15th

Legal Summary of Legal Area by J. Hall

- 1) Work stoppage growth to correct safety area problem
2. Norm Frost would prefer training by contractors but he
realize that our approach will work - Would
like to train the contractors supervisor and
leave remaining training to

"Michael" will try to send guideline for safety
guideline of supervisory roles.

Standard retainer contract for outside
contractors

* Keith Hoy questioned about edit about use of fork
equipment being allowed to be used by contractor

1. Inspection - plant survey - would result in work
orders -

2. Report would have limited distribution - Boshman

- 1) Interface with purchasing to keep aware of new chemicals coming in the plant
2. Hazard evaluation —
3. Specifically - would like to talk to personnel as they walk through the plant.
4. Analysis of Industrial Hygiene Samples.

(Conoco Chemical Mortality Study !!
 Batschman study - (1960 to Present) 1977 started
 10 cancers 2 known identifies another 3rd
 hospital may reject a 4th (multi symptom)

Round Table discussion

Internal standard for exposure

Recognize a need for graduated reduction in standards

1,3 Butadiene 1-cylo-pentadiene

TOSCA: methyl chloride, cresols and phthalate esters
 Diethyl Heptanoate phthalate (DOP) (NCI study
 (BNA))

CORPORATE
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CORPORATE OSHA INSPECTION GUIDELINES

These procedures should be used in connection with all OSHA inspections at Conoco facilities. There should be established at each facility an OSHA Inspections Coordinator (OIC) and an alternate, both of whom are fully aware of company policy regarding OSHA inspections as well as plant safety. The OIC and alternate should be technically competent and knowledgeable about the product and/or processes at that particular facility and trained in the monitoring of substances to which employees may be exposed, the OIC and alternate should be instructed as to the procedures to be followed when an OSHA inspector, known as a Compliance, Safety and Health Officer (CSHO), arrives. They should have a general working knowledge of OSHA rules and regulations and should be thoroughly familiar with the Corporate Inspection Guidelines. The Guidelines should be kept in a readily available location at all times and reviewed prior to and during an inspection.

The following procedures are to be exercised whenever an OSHA inspection is initiated:

I. WHEN THE OSHA INSPECTOR ARRIVES

A. In the event any employee receives advance notice of an OSHA inspection, or at a time other than during regular working hours, such notice should be brought to the attention of the Department Safety Director, the Corporate Safety Division, and the Legal Department immediately. (Advance notice of inspections is forbidden under OSHA regulations except under specifically stated circumstances.)

When a CSHO presents himself at the official entrance to a facility, he (and any persons accompanying him) should be requested to sign a visitor's register, plant pass or any other book or form routinely used to control the entry and movement of persons upon its premises. The plant manager should be notified immediately. The OIC or his alternate should then be immediately notified of the CSHO's presence at the facility.

B. Immediately upon hearing of the arrival of the CSHO, the OIC should take out the Corporate OSHA Inspection Guidelines and the Corporate OSHA Inspection Forms. The Guidelines and the Forms should NOT be shown to the CSHO under any circumstances. (They need not be hidden. They simply should not be made available for inspection or review.)

C. The CSHO should be escorted by an "appropriate route" to the office of the already notified OIC or alternate. An "appropriate route" means one revealing as little of the facility as possible, i.e., the CSHO should be taken outside work areas and through the entrance closest to the IOC's office or the area to be inspected. The CSHO should be exposed to as little as possible of the company facilities because he may inspect and cite the company for violations within plain view without the necessity of getting a search warrant.

D. The OIC should examine the written identification and credentials of the CSHO and a written record should be made of his name, title and, if possible, the name of his superior. The OIC has the responsibility for requesting CSHO credentials (see Appendix C - Sample OSHA Inspector Credentials). The OIC shall request identification of any expert assistants accompanying a CSHO and, if they are not OSHA employees, a resume should be requested. The Legal Department should then be consulted to determine if any objection to their presence should be made of record.

E. If there is more than one CSHO, more than one OIC may be needed to accompany the CSHOs at all times. It is important that the CSHO be treated courteously and in a business-like manner at all times.

F. The OIC should determine the reason why the facility has been chosen for an inspection. The CSHO is required to explain the nature and purpose of the inspection under OSHA regulation 29 C.F.R. § 1903.7(a). If he refuses to disclose why he wishes to inspect the facility, a search warrant should be requested by following the procedure set out in Part I of the Corporate OSHA Inspection Guidelines, paragraphs L, M, and N, below and the Legal Department should be notified. Although CSHOs may inspect any factory, plant, establishment, or area where employees perform work, inspections are generally for one of the following reasons:

1. An inspection resulting from an employee complaint.

The nature of the complaint should be specifically identified. Section 8(f)(1) of the Act requires that a copy of the complaint be given to the employer, but the complainant is entitled to have his name withheld. If the CSHO refuses to give you a copy of the complaint, or if the complaint relates to a part of the facilities where

more than one employer is present, request a search warrant by following the procedure set out in Part I of the Corporate OSHA Inspection Guidelines, paragraphs L, M, and N, below.

2. An inspection following a workplace fatality or accident causing the hospitalization of five or more employees.

The employer is required to report these incidents to OSHA within 48 hours after their occurrence and an inspection will be virtually certain to follow. The nature and location of the incident giving rise to the inspection should be specifically identified.

3. A follow-up inspection of an item previously cited.

Such an inspection can be expected if the citation was for a serious, willful, or repeated violation or if an abatement plan has been agreed to by the company as the result of an earlier inspection. The previous citation and the item should be specifically identified by the CSHO.

4. A regional programmed or industry group classification inspection based upon injury and illness rates.

5. An investigation following a notification of significant release affecting the environment.

G. A multi-employer worksite poses special problems. An employer may be held liable for an OSHA violation on its premises even if it does not control or has not created the hazard. Hence, the OIC should treat an inspection of a multi-employer worksite in the same manner as an inspection directed solely at its company, and proceed in accordance with the Corporate Inspection OSHA Guidelines. Any contractors on Conoco premises should notify the OIC of any inspection of contractors' equipment or work area.

H. The Legal Department should be notified immediately of any citations received if there is any pending OSHA litigation in which the company is presently involved or if the OSHA inspector seeks to conduct an inspection outside of regular working hours. Telephone one of the following

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persons in the order listed below:

Michele Malloy	ETN	672-1101
	(713)	965-1101
Home	(713)	664-3517
Thomas D. Montgomery	ETN	672-1088
	(713)	965-1088

I. If the purpose of the inspection is either (a) an inspection resulting from a specific employee complaint, (b) an inspection resulting from a report of a workplace fatality or accident causing the hospitalization of five or more employees, (c) a regional programmed inspection of the facility, (d) an inspection of an item previously cited which is not being contested in a pending case or (e) notification of significant release affecting the environment, the CSHO should be permitted to commence his investigation. Although you have a right to insist on a search warrant for these types of inspections, generally as a matter of policy you should cooperate and not request a warrant. Except in the case of (c), the inspection should be limited, to the particular machine, equipment, or condition which is the subject of the complaint, accident, or prior citation.

J. Except in the case of I.(c), if it is determined according to paragraph I above that the inspection may proceed without a search warrant, the following written statement of limited consent should be mailed to the Area Director of OSHA during the first day of the inspection and a copy hand-delivered to the CSHO, prior to commencement of the inspection. (See letter #1 of Appendix B):

A Compliance Safety and Health Officer under your supervision has requested to inspect (specific area(s) referred to in the employee complaint, accident report or area(s) previously cited) of (Plant), ("Conoco") on (date). Conoco has complied with the request. The inspection, however, is with the consent of Conoco only as to the area(s) specified herein. Should the scope of the inspection exceed the area(s) specified herein, Conoco hereby reserves any and all of its rights to challenge the validity of the inspection, to seek the suppression and exclusion of any and all evidence obtained directly or indirectly as a result of the inspection, and to seek the dismissal of any citations issued as a result of the inspection on the grounds that the inspection

violates the rights of Conoco under the United States Constitution and the Occupational Safety and Health Act of 1970.

The following statement should be orally read to the CSHO prior to commencement of the inspection:

Conoco has complied with your request to inspect (specific area(s) referred to in the employee complaint, accident report or area(s) previously cited). Should the scope of the inspection exceed the area(s) specified, Conoco reserves its rights to challenge the validity of the inspection and to seek dismissal of any citations issued as a result of the inspection.

K. If, after being admitted for the purpose of making a limited inspection, the CSHO attempts to broaden the scope of his inspection he should be asked to leave the work area and escorted back to the OIC's office. Do not forcibly stop the CSHO from inspecting any area since such action may result in criminal liability, but tell the CSHO the following:

In my opinion you are attempting to broaden the scope of this inspection. That violates the original conditions of this inspection and I am terminating this inspection in order to seek legal counsel.

L. If the purpose of the inspection is either (a) an inspection pursuant to a general employee complaint that does not allege specific violations or (b) an inspection of an item previously cited which is being contested in a pending case, the CSHO should be required to get a warrant. The following statement should be orally read to the CSHO:

It is the continuing policy of Conoco to offer its complete cooperation to any governmental agency seeking to lawfully enforce federal, state or local laws or regulations. On the other hand, it is equally important to Conoco that such laws and regulations and the enforcement thereof be within the safeguards of the United States Constitution. We have been advised by our legal counsel that the United States Supreme Court has held in Marshall v. Barlow's, Inc., 436 U.S. 307 (1978), that inspections of a company's facilities, without

the employer's consent, are unconstitutional in the absence of a valid search warrant. In view of the Barlow's decision and in view of Conoco's desire not to waive its Fourth Amendment rights under the United States Constitution, we are refusing to admit you to our plant.

M. If admission of the CSHO has been refused pursuant to paragraph L above, telephone the Area Director of OSHA, whose telephone number can be obtained from the CSHO, and explain that as a courtesy you are calling him to explain the company's position. Thereafter, read the OSHA Area Director the same statement and read to the CSHO (See Part I, paragraph K) and mail the Area Director a letter setting

N. Also, after admission of the CSHO has been refused, the employee representative(s) should be immediately advised of the company's position.

O. Notify the Legal Department of actions taken.

II. PRESENTATION OF A WARRANT

A. If the CSHO presents a search warrant, ask to see the warrant. Read the search warrant carefully, especially noting the specific machine, equipment, or condition to be inspected. Copy the contents of the search warrant.

B. Immediately call the Legal Department and the Department Safety Director (See Part I, paragraph H). Again, the CSHO should be advised you are calling your lawyer.

C. The following written statement of protest should be mailed to the Area Director of OSHA during the first day of the inspection and a copy hand-delivered to the CSHO, prior to commencement of the inspection (See letter #3 of Appendix B):

A Compliance Safety and Health Officer under your supervision presented a search warrant and requested to inspect Conoco premises on (date). Conoco has complied with the request. The inspection, however, is totally without the consent of Conoco and it is permitting the Compliance Safety and Health Officer to enter its premises under a general protest. [A specific protest may be made at this point depending upon the particular facts

involved in any given inspection. Such optional language, which should be inserted only with the advice of legal counsel, begins as follows:
"Without in any way limiting the foregoing general protest, Conoco specifically protests . . ."]
Conoco hereby reserves any and all of its rights to challenge the validity of the inspection, to seek the suppression and exclusion of any and all evidence obtained directly or indirectly as a result of the inspection, and to seek the dismissal of any citations issued as a result of the inspection on the grounds that the inspection violates its rights under the United States Constitution and the Occupational Safety and Health Act of 1970.

The following statement should be orally read to the CSHO prior to commencement of the inspection:

Although Conoco has complied with your request to inspect its premises, the inspection is totally without its consent. Conoco is permitting you to enter its premises under a general protest, and it reserves its rights to challenge the validity of the inspection and to seek dismissal of any citations issued as a result of the inspection.

D. Allow the CSHO to enter. Refusal of entry may result in criminal liability or a contempt of court charge.

III. OPENING CONFERENCE

A. During the opening conference the CSHO may request to examine records that the company is required to keep under the Act, such as OSHA Form 200 (Inquiry and Illness Records), vinyl chloride monitoring, welding equipment inspections, etc. No other records should be provided on request or volunteered without first securing Legal Department approval. CSHOs may not examine personally identifiable employee medical information, except for the sole purpose of verifying employer compliance with OSHA medical record keeping requirements, without first obtaining a written access order approved by the Assistant Secretary of Labor or specific written consent of the employee. 29 C.F.R. § 1913.20.

B. OSHA has previously supplied the company with notices informing employees of their protections under the Act, and the CSHO may check to see that such notices are

posted in conspicuous places where employee notices are usually posted. Since the notice informs employees that they may contact their employer for copies of the Act, regulations and specific safety and health standards, the OIC should have a copy of the Act, regulations and standards readily available.

C. The following statement should be orally read to the CSHO during the opening conference:

Conoco has a number of highly confidential products and processes. We will attempt to identify these as the inspection proceeds and once identified, we expect OSHA to treat them confidentially pursuant to OSHA rules and regulations. In the event we overlook a confidential product or process during the inspection, Conoco reserves the right to bring these to OSHA's attention at a later date with the expectation that OSHA will treat them with confidentiality.

D. The OIC shall take the necessary steps to be sure that the CSHO complies with all company safety and health rules and practices at the facility and that he correctly wears and uses the appropriate protective clothing and equipment.

E. The OIC should request that the CSHO resolve any issues as to how the inspection is to be conducted prior to starting the inspection.

IV. CONDUCT OF THE INSPECTION

A. The OIC should bring along the following items on the inspection tour:

1. Corporate OSHA Inspection Guidelines.
2. Corporate OSHA Inspection Form to be filled out for the Legal Department. (Appendix A)
3. Note pad. (Do NOT show any notes written prior to, during, or after the inspection to the CSHO under any circumstances. They need not be hidden. They simply should not be made available for inspection or review.)
4. Pre-selected camera and flash equipment. The camera should take good quality photographs and be readily available at all times. Since ordinary flash equipment cannot be used safely in certain flammable atmospheres, the

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flash equipment must be carefully selected so that its use does not violate any OSHA standards.

B. Allow the CSHO to conduct his inspection of the equipment or condition specifically mentioned in the search warrant, employee complaint, accident report, or prior citation. Section 8(e) of the Act gives walk-around rights, i.e., the right to accompany the CSHO during the inspection, to both a management representative and an employee representative.

The management representative should be an OIC or alternate and should accompany the CSHO on the inspection tour. If there are more than two CSHOs, additional management representatives should be considered. Separation of the CSHOs should not be permitted.

C. The OIC should take detailed written notes of all remarks and questions asked by the CSHO. Describe the "appropriate route" the CSHO takes through the plant in these notes (See Part I, paragraph B). The OIC SHALL NOT:

- answer questions posed by the CSHO or expert assistants requiring more than a short response; or
- provide access to management for CSHO's or expert assistants' interview purposes; or
- volunteer information.

D. The OIC should photograph every condition photographed by the CSHO. The CSHO should contact the Legal Department if the CSHO attempts to take pictures of proprietary processes or equipment. Note the type of camera, flash equipment and any special attachments used by the CSHO. At the conclusion of the inspection, request copies of all photographs taken by the CSHO.

E. The OIC should measure, sample and observe whatever conditions the CSHO measures, samples and observes. Any variances between the monitoring results reached by the OIC during concurrent monitoring and those recorded by the CSHO should be immediately brought to the CSHO's attention and described in written notes provided, of course, the results of the OICs are more favorable to the company. Also, describe in detailed written notes the type of monitoring equipment and the monitoring procedure used by the CSHO.

F. If a CSHO seeks to attach a monitoring or sampling device to an employee, the OIC should ask the CSHO to stop his inspection so that the OIC can call his lawyer. The Legal Department should be notified immediately. (See Part I, paragraph H)

G. The CSHO has the right to confer privately with employees under Section 8(a)(2) of the Act, so long as that right is exercised in a reasonable manner. Although the OIC does not have an absolute right to be present during a conversation between the OIC and an employee, he should request to be present. The names of any employees who had private conversations with the OIC should be recorded. If the CSHO would like to talk privately with an individual employee who cannot reasonably be allowed to leave his work station at that time, the CSHO should be informed of this and told that the employee will be made available as soon as possible. NOTE: It is a violation of the law to retaliate against any employee who cooperates with an CSHO.

H. The OIC should not volunteer information or documents, or offer additional areas for inspection. Statements made by the OIC could be used as admissions against the company in a subsequent OSHA hearing. The company has the right to have a lawyer present during extensive questioning.

V. TRADE SECRETS

A. Section 15 of the Act requires OSHA to treat any trade secret in confidence. The OIC should know in advance any areas which contain or might reveal a trade secret. Any information obtained by the CSHO in such areas, including all photographs and samples, should be labeled "confidential - trade secret". 29 C.F.R. § 1903.9.

B. If the CSHO requests to inspect any areas which contain or might reveal a trade secret, the following written statement should be mailed to the OSHA Area Director during the first day of the inspection. (See letter #4 of Appendix B). A copy of the statement should be hand-delivered and orally read to the CSHO prior to inspecting any areas which contain or might reveal a trade secret:

A Compliance Safety and Health Officer under your supervision has requested to inspect (specific areas which contain or might reveal a trade secret) of Conoco on (date). Since the described areas contain or might reveal a trade secret, we are

requesting that any information obtained by the Compliance Safety and Health Officer in such areas, including all photographs and samples, be labeled "confidential - trade secret", and we trust that OSHA will treat them confidentially pursuant to OSHA rules and regulations. In the event we have overlooked a confidential product or process during the present inspection, Conoco reserves the right to bring these to OSHA's attention at a later date with the expectation that OSHA will treat them with confidentiality.

VI. CLOSING CONFERENCE

A. The primary purpose of the OIC in the closing conference shall be to LISTEN; however, the CSHO should be questioned as to all areas of possible and probable violations. If the CSHO indicates that a citation will be issued, he should be questioned specifically as to what constitutes abatement, as an alleged violation cannot be established unless OSHA proves not only what constitutes abatement, but both the feasibility and likely utility thereof. This should give the OIC a good reading as to those items that a citation will contain. Also, it will enable the company to take evidence and begin preparing our case while the evidence is still "fresh". Often, citations are not received for days or even weeks.

B. A request should be made for copies of all photographs taken by the CSHO during the inspection as well as all samples and results.

C. Immediately following the conference, the information received in the closing conference should be relayed to the Legal Department. (See Part I, paragraph H).

VII. FOLLOWING THE INSPECTION

A. The OIC should complete the Corporate OSHA Inspection Form (Appendix A). The Corporate OSHA Inspection Form and any notes taken during the inspection should be mailed promptly to:

Michele Malloy
Conoco Legal Department
Suite 1630
P. O. Box 2197
Houston, Texas 77001

One copy of the Corporate OSHA Inspection Form and any notes taken during the inspection should be kept confidentially until notified of receipt of the originals by the Corporate Legal Department or Corporate Legal Counsel. Such copy should then be destroyed. Under no circumstances should the Corporate OSHA Inspection Form or any notes be shown or given to the CSHO.

B. All applicable letters to the OSHA Area Director (Appendix B) should be mailed during the first day of the inspection in accordance with the following provisions of the Corporate OSHA Inspection Guidelines:

Limited consent to inspection	Part I, paragraph J
Insistence on a warrant	Part I, paragraph L
Inspection under protest	Part II, paragraph C
Trade secrets	Part III, paragraph C

One copy of each letter mailed to the Area Director of OSHA should be mailed simultaneously to the attorney designated above.

APPENDIX A

CORPORATE OSHA INSPECTION FORM

In anticipation that this inspection could lead to legal proceedings, you are to fill out this form during every OSHA inspection to assist our company lawyers in protecting the company's rights during any hearings, trials, or other legal proceedings which might arise as a result of this inspection. For further explanation, see the applicable provisions of the Corporate OSHA Inspection Guidelines set out in parentheses. Please attach additional pages when needed to complete any question(s) and copies of the requested documents.

1. OSHA Inspection Coordinator (OIC): _____
Name

2. Date of Inspection: _____

3. Identity of OSHA Inspector (CSHO): _____
Name

Title

4. OSHA Area Director: _____
Name Telephone No.

Address

5. Answer one of the following:

A. Did OSHA receive an employee complaint? (Part I, F.1) _____

If so, describe the nature of the complaint, the machine, equipment or condition it specifically relates to, and the type of problem it involves:

Attach a copy of the complaint to this form.

- B. Has there been a workplace fatality? (Part I, F.2) _____
If so, describe the nature and location of the
incident which resulted in the fatality: _____

Attach a copy of the report supplied to OSHA within
48 hours of the incident.

- C. Has there been an accident which resulted in the hos-
pitalization of five or more employees? (Part I, F.2)

If so, describe the nature and location of the accident
and the resulting injuries:

Attach a copy of the report supplied to OSHA within
48 hours of the accident.

- D. Is this a follow-up inspection of an item previously
cited? (Part I, F.3) _____

If so, identify the previous citation, proposed penalty
and abatement plan, if any:

Attach a copy of the previous citation and the CSHO's
worksheets relating to the citation, if available.

E. Is this a regional programmed inspection? (Part I, F.4)

If so, describe the inspection program and the criteria used to select this particular facility for inspection:

F. Is this an inspection following a notification of significant release? (Part I, F.5) _____

6. Is this an inspection of a multi-employer worksite? (Part I, G) _____

If the contractors were involved in any way in the inspection, list the names of all other employers and the number of workers employed by each employer who are present on the worksite, with a brief description of the nature of the work being performed:

7. Is there any pending OSHA litigation in which the company is presently involved? (Part I, H) _____

8. Did the CSHO seek to conduct the inspection outside of regular working hours? (Part I, I) _____

If so, state time of requested inspection and regular working hours: _____

If so, was the Legal Department notified? _____

Name of Lawyer notified _____

Title and date of notification _____

9. If no search warrant was presented, did you consent to a limited inspection? (Part I, J) _____

A. If so, did you read an oral statement of limited consent to the OSHA inspector? (Part I, J) _____

B. Describe the specific machine, equipment or condition you permitted the CSHO to inspect in your oral statement of limited consent:

C. If so, did you hand-deliver a copy of a letter of limited consent addressed to the OSHA Area Director to the CSHO? (Letter #1 of Appendix B) _____

Time and date letter was delivered _____

Attach a copy of the letter of limited consent which was mailed to the OSHA Area Director during the first day of the inspection.

D. Did the CSHO attempt to broaden the scope of the inspection after being admitted for the purpose of making a limited inspection? (Part I, K) _____

If so, describe the machines, equipment or conditions which you refused to allow the CSHO to inspect and the reason(s) given for such refusal:

If so, did you contact the Legal Department before objecting to the inspection? _____

Name of Lawyer notified _____

Time and date of notification _____

10. If no search warrant was presented, did you refuse the CSHO entry? (Part I, L) _____

A. If so, did you read an oral statement to the CSHO explaining the company's position? (Part I, L) _____

Time and date oral statement read _____

B. If so, did you telephone the OSHA Area Director and explain the company's position? (Part I, M) _____

Time and date of notification _____

Attach a copy of the letter explaining the company's position which was mailed to the OSHA Area Director. (Letter #2 of Appendix B)

C. If so, did you advise employee representative(s) of the company's position? (Part I, N) _____

Name of employee representative(s) notified _____

Time and date of notification _____

11. Did the CSHO present a search warrant upon arrival? (Part II) _____

A. If so, describe the contents of the search warrant and the specific machine, equipment, or condition to be inspected:

Attach a copy of the search warrant if it was given to you.

B. If so, was the Legal Department notified? (Part II, B) _____

Name of Lawyer notified _____

Time and date of notification _____

C. If so, did you read an oral statement of protest to the CSHO? (Part II, C) _____

Time and date oral statement read _____

D. If possible, did you hand-deliver a copy of a letter of protest addressed to the OSHA Area Director to the CSHO? (Letter #3 of Appendix B)

Time and date letter was delivered _____

Attach a copy of the letter of protest which was mailed to the OSHA Area Director during the first day of the inspection.

E. If so, did you permit the CSHO to enter? _____

12. List any records, documents or notices reviewed by the CSHO (Part I, A and B):

13. Describe in detail any remarks made during the opening conference, including any oral statements made to the CSHO regarding confidential products and processes. (Part III):

14. State the names and titles of management representatives who accompanied the CSHO during the inspection tour (Part IV, B): _____

15. State the names and titles of employee representatives who accompanied the CSHO during the inspection tour (Part IV, B): _____

16. In the case of a limited inspection, describe the route taken by the OSHA inspector during the inspection tour (Part IV, C): _____

17. Describe in detail any particularly significant remarks made during the inspection by the CSHO or any employees and identify the speaker (Part IV, C): _____

18. Identify any photographs taken by the CSHO, including location, time of day, date, and the names of any employees in the photograph (Part IV, D):

- A. Describe the type of camera, flash equipment and any special attachments used by the CSHO:

- B. Did you request copies of the photographs taken by the CSHO?

19. Identify any photographs taken by a management representative, including photographer, location, time of day, date, and the names of any employees in the photograph (Part IV, D):

- A. Describe the type of camera, flash equipment and any special attachments used by a management representative:

20. Describe any monitoring conducted by the CSHO, including the equipment used, monitoring procedure, time of day, date, and the results of such monitoring, if known (Part IV, E):

VVC 000009574

21. Describe any monitoring conducted by a management representative, including the equipment used, monitoring procedure, time of day, date, results and any variances between results of monitoring conducted by the CSHO and management. Indicate which monitoring, if any, was conducted concurrently with the CSHO's monitoring (Part IV, E):

22. Did any CSHO seek to attach a monitoring or sampling device to an employee? (Part IV, F)

If so, was the Legal Department notified? _____

Name of Lawyer notified _____

Time and date of notification _____

23. List the names of any employees interviewed by the CSHO and state whether a management representative was present during the interview. If a management representative was present, state his/her name and a summary of the interview (Part IV, G):

24. Describe any area(s) identified as containing or possibly revealing a trade secret (Part V):

- A. Did you read an oral statement identifying such area(s) to the CSHO? (Part V, B) _____

Time and date oral statement read _____

- B. Did you hand-deliver a copy of a letter identifying trade secrets addressed to the OSHA Area Director to the CSHO? (Letter #4 of Appendix B) _____

Time and date oral statement read _____

Attach a copy of the letter identifying trade secrets which was mailed to the OSHA Area Director during the first day of the inspection.

- C. List any materials, such as photographs and samples, which were labeled "confidential-trade secret" (Part V, A): _____

25. If the closing conference was held at the end of the inspection, attach a detailed description of any remarks made during the closing conference and identify the speaker. If the conference is held at a later date, forward the closing conference summary to the Legal Department as soon as it is concluded (Part VI)

26. This form, additional pages needed to complete this form, copies of requested documents, and any notes taken during the inspection should be mailed to:

Michele Malloy
Conoco Legal Department
P. O. Box 2197
Suite 1630
Houston, Texas 77001

One copy should be kept confidentially until notified of receipt of the originals by the Legal Department. Any subsequent distribution will be solely handled by the attorney designated above.

APPENDIX B

LETTERS TO BE MAILED TO THE OSHA AREA DIRECTOR

Letter #1	-	Limited Consent to Inspection
Letter #2	-	Insistence on a Warrant
Letter #3	-	Inspection Under Protect
Letter #4	-	Trade Secrets

VVC 000009578

LETTER #1

Area Director
Occupational Safety and Health Administration
U. S. Department of Labor

Dear

A Compliance Safety and Health Officer under your supervision has requested to inspect (specific area(s) referred to in the employee complaint, accident report or area(s) previously cited) (plant) ("Conoco") on (date). Conoco has complied with the request. The inspection, however, is with the consent of Conoco only as to the area(s) specified herein. Should the scope of the inspection exceed the area(s) specified herein, Conoco hereby reserves any and all of its rights to challenge the validity of the inspection, to seek the suppression and exclusion of any and all evidence obtained directly or indirectly as a result of the inspection, and to seek dismissal of any citations issued as a result of the inspection, on the grounds that the inspection violates the rights of Conoco under the United States Constitution and the Occupational Safety and Health Act of 1970.

A copy of this letter was hand-delivered to the Compliance Officer before he began the inspection.

Very truly yours,

VVC 000009579

Letter #2

Area Director
Occupational Safety and Health Administration
U. S. Department of Labor

Dear

The following statement was read today to a Compliance Safety and Health Officer under your supervision:

It is the continuing policy of the (plant) ("Conoco") to offer its complete cooperation to any governmental agency seeking to lawfully enforce federal, state or local laws or regulations. On the other hand, it is equally important to Conoco that such laws and regulations and the enforcement thereof be within the safeguards of the United States Constitution. We have been advised by our legal counsel that the United States Supreme Court has held in Marshall v. Barlow's, Inc., 436 U.S. 307 (1978), that inspections of a company's facilities, without the employer's consent, are unconstitutional in the absence of a valid search warrant. In view of the Barlow's decision and in view of Conoco's desire not to waive its Fourth Amendment rights under the United States Constitution, we are refusing to admit you to our plant.

Very truly yours,

Letter #3

Area Director
Occupational Safety and Health Administration
U.S. Department of Labor

Dear

A Compliance Safety and Health Officer under your supervision presented a search warrant and requested to inspect (plant) ("Conoco") premises on (date). Conoco has complied with the request. The inspection, however, is totally without the consent of Conoco and it is permitting the Compliance Safety and Health Officer to enter its premises under a general protest. [A specific protest may be made at this point depending upon the particular facts involved in any given inspection. Such optional language, which should be inserted only with the advise of legal counsel, begins as follows: "Without in any way limiting the foregoing general protest, Conoco specifically protests..."] Conoco hereby reserves any and all of its rights to challenge the validity of the inspection, to seek the suppression and exclusion of any and all evidence obtained directly or indirectly as a result of the inspection, and to seek the dismissal of any citations issued as a result of the inspection on the grounds that the inspection violates its rights under the United States Constitution and the Occupational Safety and Health Act of 1970.

A copy of this letter was hand-delivered to the Compliance Officer before he began the inspection.

Very truly yours,

VVC 000009581

Letter #4

Area Director
Occupational Safety and Health Administration
U.S. Department of Labor

Dear

A Compliance Safety and Health Officer under your supervision has requested to inspect (specific areas which contain or might reveal a trade secret) of (plant) ("Conoco") on (date). Since the described areas contain or might reveal a trade secret, we are requesting that any information obtained by the Compliance Safety and Health Officer in such areas, including all photographs and samples, be labeled "confidential - trade secret," and we trust that OSHA will treat them confidentially pursuant to OSHA rules and regulations. In the event we have overlooked a confidential product or process during the present inspection, Conoco reserves the right to bring these to OSHA's attention at a later date with the expectation that OSHA will treat them with confidentiality.

A copy of this letter was hand-delivered to the Compliance Officer before he began inspecting areas which contain or might reveal a trade secret.

Very truly yours,

VVC 000009582

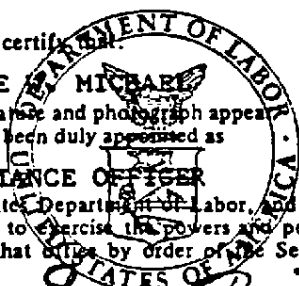
Appendix C

Sample OSHA Inspector Credentials

U.S. Department of Labor
Washington, D. C.

This is to certify that
LESLIE MICHAEL
whose signature and photograph appear
hereon has been duly appointed as
COMPLIANCE OFFICER
United States Department of Labor, and as such is
authorized to exercise the powers and perform the
duties of that office by order of the Secretary of
Labor.

Leslie Michael
Signature



Esther Beraham V.
Assistant Secretary of Labor

5720

Occupational Safety and Health Administration
Complaint

U.S. Department of Labor



This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

Form Approved
OMB No. 044R1449

Sec. 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employee or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employee or representative of the employees in writing of such determination.

NOTE: Section 11 (c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints

For Official Use Only			
Area	Date Received	Time	
Region	Received By	Formal	☐
		Non Formal	☐

The undersigned (check one)

☐ Employee ☐ Representative of Employees ☐ Other (specify) _____

believes that a violation at the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard

Employer's Name _____

Employer's Address (Street) _____

(City) _____

(State) _____

(Zip Code) _____

Telephone _____

1. Kind of business _____

2. Specify the particular building or worksite where the alleged violation is located, including address. _____

3. Specify the name and phone number of employer's agent(s) in charge. _____

4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard. _____

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY
AND HEALTH ADMINISTRATION

NARRATIVE

1. CSHO No.	2. Report No.
-------------	---------------

3. Employer Name:

4. Type Of Legal Entity

5. Type Of Business Or Plant

6. NAMES AND ADDRESSES OF ALL ORGANIZED EMPLOYEE GROUPS:		7. AUTHORIZED REPRESENTATIVES OF EMPLOYEES:		W A
Name		Name	Tels. No.	☐ Y
Local No.	Tels. No.	Organization	Title	
Address		Home Address		☐ N
	Zip Code		Zip Code	
Name		Name	Tels. No.	☐ Y
Local No.	Tels. No.	Organization	Title	
Address		Home Address		☐ N
	Zip Code		Zip Code	

8. EMPLOYER REPRESENTATIVES CONTACTED:			W A	9. OTHER PERSONS CONTACTED:	
Name	Title	Function	☐ Y	Name, Occupation & Affiliation	
			☐ Y	Home Address	Tels. No.
			☐ Y		Zip Code
			☐ Y	Name, Occupation & Affiliation	
			☐ Y	Home Address	Tels. No.
			☐ Y		Zip Code

11. Date & Time of Entry:	12. Date & Time Walkaround Began:	13. Date & Time Closing Conference Began: (1) (2)	14. Date & Time of Exit:
---------------------------	-----------------------------------	--	--------------------------

15. EVALUATION OF SAFETY AND HEALTH PROGRAM. (Codes: 0 = Nonexistent 1 = Inadequate 2 = Average 3 = Above Average)			
Comprehensiveness of Safety & Health Program		0 1 2 3	
Written?	Y N		
Copy Enclosed?	Y N		
Communication of Program to Employees		0 1 2 3	
How?			
Safety Meetings		0 1 2 3	
Frequency?			
By Whom?			
Enforcement		0 1 2 3	
How?			
Safety Training Program		0 1 2 3	
Health Training Program		0 1 2 3	
Safety Staff	Y N		
Health Staff	Y N		
Accident/Injury Investigations Performed		0 1 2 3	
Preventative Action Taken	Y N		
Health Monitoring Program		0 1 2 3	
Hazard?			
Medical Programs		0 1 2 3	
Frequency?			
Agent?			
Extent?			
Consent?			
Hazard Control - Engineering & Administration		0 1 2 3	
- Personal Protective Equipment		0 1 2 3	
- Regulated Areas		0 1 2 3	
- Emergency Procedures		0 1 2 3	
Records: 100 - 101 - 102 - Supplementary Health			
If SH, specify			
Notice to Employees (Poster)		Y N	
Add'l Comments:			

16. FOLLOW-UP INSPECTION RECOMMENDED: Yes ☐ No ☐ Reason:

17. CSHO Signature & Date:

18. Accompanied By:

VVC 000009585

WORKSHEET

Form OSHA-18
(11/78)

VVC 0000095E