Transmitted to me 8-4-71

SP 9-21-76

Assistant Secretary For
Occupational Safety and Health,
U. S. Department of Labor
Washington, D. C. 20210

Re: Application of Pittsburgh Corning Corporation For a Variance From Occupational Safety and Health Standards

Gentlemen:

Pittsburgh Corning Corporation (the "Applicant") hereby makes application for a variance from the provisions of the Williams-Stieger Occupational Safety and Health Act of 1970 pursuant to the rules of practice of Subpart B §1905.10 under Section 6(b)(6)(a) of such Act.

The Applicant's principal office is located at

One Gateway Center
Pittsburgh, Pennsylvania 15222

and hereby applies for a variance from Part 50-204 of the Safety and Health Standards for Federal Supply Contracts, Subpart D Section 50-204.50 as it applies to the Applicant's facilities at the following locations;

Port Allegany Works
Main Street
P. O. Box 37
Port Allegany, Pennsylvania 16743

Tyler Works
Owentown Industrial District
P. O. Box 3057
Tyler, Texas 75705

PLAINTIFF'S EXHIBIT
WV-009677

Exh #45
12-2-83

Grant Ex. 45
1-21-84
AAX

PLAINTIFF'S EXHIBIT
4410.0

The Applicant, at Port Allegany, Pennsylvania and Tyler, Texas, manufactures an insulation material known commercially as UNIBESTOS which is composed primarily of asbestos. In some areas of Applicant's Port Allegany Works and Tyler Works, during the production process, the Threshold Limit Value for asbestos required by Section 50-205.50 is exceeded.

To protect its employees at the aforementioned locations, the Applicant has;

(1) Supplied, and will continue to supply, respirators approved by the Bureau of Mines and require the use of said respirators;

(2) Provided and will continue to provide dust collection and ventilation apparatus;

(3) Provided and will continue to provide health education programs that fully explain to its employees the health hazards associated with asbestos exposure and how they can protect themselves;

(4) Expanded the periodic medical examination program for employees to include not only X-rays but also, on all employees with more than five years exposure, an extensive medical history and physical examination and pulmonary function tests performed biennially;

(5) Purchased and is experimenting with the use of new and approved respirators with ultra filters; and

(6) Improved housekeeping procedures by the more frequent use of industrial vaccuum cleaners.

The Applicant has been unable to attain the Threshold Limit Value required for asbestos at its Port Allegany and Tyler Works because of the unavailability of effective ventilation equipment. The ineffectiveness of such equipment has become particularly significant since the reduction of the TLV for asbestos from twelve to five fibers per milliliter greater than five microns in length. This drastic reduction has rendered previously used equipment inadequate and any replacement equipment nly experimental.

The Applicant, as of June, 1971, has spent nearly $200,000 in the research and development of a mineral wool substance to replace asbestos. Presently, the applicant is examining t production feasibility of the new product according to the following schedule:

-Mineral wool to be utilized in production, in place of asbestos, by one shift per day during the first two weeks of August, 1971.

-Mineral wool to be utilized, in place of asbestos, by three shifts per day during the last two weeks of August, 1971.

-A decision concerning complete conversion to the use of mineral wool in the production process beginning in September, 1971.

The Applicant is optimistic with the results of research and development thus far and hopes to completely substitute mineral wool for asbestos at both the Tyler Works and Port Allegany Works by mid 1972.

The employees at Port Allegany and Tyler have been informed of this Application for Variance and of their right to petition the Assistant Secretary for a hearing by;

(1) Delivery of a copy of the Application to both Mr. Charles Croop, President of the American Flint Glass Workers Union of North America, the employee representative at the Port Allegany Works, and Mr. Herman L. Yandle, Chairman, Oil, Chemical and Atomic Workers Local 4202, the employee representative at the Tyler Works.

(2) Posting a summary of the application; including notice that the employees have a right to petition the Assistant Secretary of Labor for Occupational Safety and Health, on the in-plant employee bulletin board at both Port Allegany and Tyler.

Therefore, the applicant requests that it be granted a variance from Section 50-204.50 of the Safety and Health Standards for Federal Supply Contracts for a period of one year.

Respectfully submitted,

PITTSBURGH CORNING CORPORATION

By _____

E. W. Holman
Vice President
Technology and Manufacturing

Paul Martha
Reed Smith Shaw & McClay
Attorneys For Applicant

ssistant Secretary For
ccupational Safety and Health,
. S. Department of Labor
ashington, D. C.

Re: Application of Pittsburgh Corning Corporation For An Interum Order Pending Final Disposition Of Its Application For Variance.

entlemen:

Pittsburgh Corning Corporation hereby makes application or an Interim Order pursuant to Section 6(b)(6)(c) of the ccupational Safety and Health Act of 1970 requesting relief rom the enforcement of the Safety and Health Standards for eral Supply Contracts, Subpart D, Section 50-204.50 pending he final disposition of its Application for a Variance from aid standard.

Pittsburgh Corning is unable to reach immediate compliance ith the aforementioned standard for the reasons stated in the Application for Variance attached hereto. Therefore, Pittsburgh Corning is applying for the appropriate interlocutory relief so as to avoid the imposition of unwarranted civil and/or criminal liability.

Respectfully submitted,

PITTSBURGH CORNING CORPORATION

By _____
E. W. Holman
Vice President
Technology and Manufacturing

l Martha
Reed Smith Shaw & McClay
Attorneys For Applicant

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } SS:

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared E. W. Holman, who, being duly sworn according to law, deposes and says that he is Vice President, Technology and Manufacturing for Pittsburgh Corning Corporation; that he has knowledge of the matters set forth in the foregoing application for an interim order and application for variance; that the same are true to the best of his knowledge information and belief; and that he is authorized as Vice President, Technology and Manufacturing, of applicant to make, sign, verify and file said applications.

E. W. Holman

Sworn to and subscribed before me this 1st day of November, 1971.

Notary Public

My Commission Expires:

WALDA J. VICKERY, Notary Public
Pittsburgh, Allegheny County, Pa.
My commission expires Oct. 14, 1974

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } SS:

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared Morton Corn, PH.D., who, being duly sworn according to law, deposes and says that he is Engineering Consultant to Pittsburgh Corning Corporation; that he has knowledge of the matters set forth in the foregoing application for variance, so far as said application pertains to the inability of the applicant to presently obtain the revised Threshold Limit Value for asbestos of five fibers per milliliter greater than five microns in length with existing dust collection systems in some areas of its Port Allegany Works and Tyler Works; that the same are true to the best of his knowledge, information and belief; and that he is authorized as Engineering Consultant to applicant to make, sign, verify and file said representation.

Morton Corn

Sworn to and subscribed before me this 2nd day of November, 1971.

William J. Victory
Notary Public

My Commission Expires:

WILLIAM J. VICTORY, Notary Public
Pittsburgh, Allegheny County, Pa.
My commission expires Oct.14, 1974

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } SS:

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared Lee B. Grant, M.D., who, being duly sworn according to law, deposes and says that he is Medical Director, for PPG Industries and Consultant to Pittsburgh Corning Corporation; that he has knowledge of the matters set forth in the foregoing application for variance, so far as said application states that the applicant has provided for its employees health education programs that explain to said employees the health hazards associated with asbestos exposure and how they can protect themselves; that the same are true to the best of his knowledge, information and belief; and that he is authorized as Medical Consultant to applicant to make, sign, verify and file said represeptation.

Lee B Grant, M.D.

Sworn to and subscribed before me this 2nd day of November, 1971.

Notary Public

My Commission Expires:

WILDA L. VICKEY, Notary Public
Pittsburgh, Allegheny County, Pa.
My commission expires Oct. 14, 1974