FILE NAME: Montello (MNT)

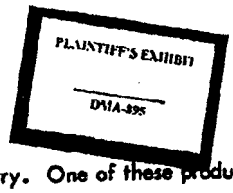
DATE: 0000

DOC#: MNT002

DOCUMENT DESCRIPTION: Internal Report - Background: Application of Asbestos in Drilling Muds with Cover Letter to OSHA

Cover Letter

Mr. Robert Tice
Occupational Safety and Health Administration
Dallas, Texas



015993

Dear Mr. Tice:

Our company supplies mud additives to the drilling industry. One of these products contains asbestos. Submitted herewith is a presentation to which we urge your prompt and careful attention. In it we have supplied explanatory background information; facts pertinent to the existing problem; and an expression of our position, with supporting documentation.

The following key elements are involved:

(1) Citations for non-posting of caution signs, based upon visual surveillance by compliance officers, have had and are having a very detrimental effect upon our activity in West Texas.

(2) Users of our product have sought to comply with the referenced citations by abandoning the application of the material.

(3) Data from field monitoring tests, covering a wide range of drilling site conditions, have without exception revealed air-borne fiber counts far below the allowed TLV and TWA exposure limits.

(4) We are convinced that the excessive concentrations implied by the citations would not have been supported, had field monitoring been performed.

Mr. Tice, the problem explained in our presentation is of upmost gravity to our small company. We again urge your prompt and careful consideration of its content. As soon as convenient thereafter, we would like to meet with you personally in your Dallas office.

Please contact us if you need any further information.

Respectfully yours,

MONTELLO, INC.

Kenneth N. Campbell
President

Encls:

895

BACKGROUND: APPLICATION OF ASBESTOS IN DRILLING MUDS

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Montello has been a small distributor of specialty drilling fluid additives since 1957. One of our products is a unique high-density asbestos, which is manufactured for us by Union Carbide Corporation of King City, California.

On the drilling rig, asbestos usage is very sporadic. It is added to the drilling fluid through a mud hopper or large funnel. Venturi action of the fluid rushing through the bottom of this hopper creates a suction which pulls the dry product into the liquid stream. Additions of the material typically occur no more frequently than once per shift. The amounts added are small, rarely exceeding 500 lbs. per treatment.

With three-eight hour shifts per day and 8 to 10 men per shift, assignments are frequently exchanged. The same worker rarely performs the job of adding materials on any continuing basis.

When dumping, the worker cuts the end of the 50 lb. bag and allows the material to fall into the suction end of the hopper, where the product becomes part of the liquid drilling fluid seconds later. The workers' exposure lasts for only a small fraction of each shift, since dumping is typically accomplished in a matter of minutes. In addition, totally enclosed mixing areas are rare, with the hopper itself generally being located in the open.

SUMMARY OF CURRENT PROBLEM

Our business is being damaged by the issuing of citations against users of our product, for non-posting of caution signs. We know of no case where the validity of the citations has been substantiated by monitoring to determine if excessive air-borne fiber concentrations actually exist. They apparently depend on the "judgment of the compliance officer" based on "visual observation".

Specific cases that have occurred since November, 1974 are listed below. For reasons which will be discussed shortly, the companies inspected have refused to document these facts for us in writing. From verbal conversations with them, however, we believe our information to be accurate.

015995

EXPLANATION	COMPANY A	COMPANY B	COMPANY C
Location	West Texas	West Texas	Texas Panhandle
Inspection Date	Nov., 1974	Nov., 1974	Nov., 1974
Inspector Name	Mr. Shopann	Mr. Taff	(?)
Action of Inspector	$65.00 Citation	$65.00 Citation	(?)
Action by Company	Terminate Product	Terminate Product	Terminate Product

Please note that the company identity has been shown by letter only and that compliance is being obtained by abandonment of our product. We have encouraged these users to contest what we consider to be improper citations, but in all cases they not only refuse to contest, but do not even want their names mentioned in discussions with OSHA. They are extremely reluctant to draw any attention to themselves in the fear of a punitive re-inspection. We must state emphatically that we are not suggesting these fears are justified. They are however, very real in our customers' thinking, and they comprise the principal reasons why the citations were not contested by the normal prescribed procedures.

OUR POSITION IN THE PROBLEM

Faced with the problem as outlined, advice and assistance was sought from Mr. J. T. Knorpp, the Tulsa OSHA Area Director. A copy of our February 27th, 1975 letter to him is attached as Exhibit I. His response of March 26th, 1975 is attached as Exhibit II. We feel that item "a." of Mr. Knorpp's letter, and particularly the key phrases, "judgment----backed up with

documentation", bear directly on the present problem. From his letter:

015996

"a. Caution signs are required where in the judgment of the compliance officer, based on air sample results or visual observation, backed up with documentation that air-borne concentrations of asbestos may be in excess of exposure limits." (Our underlines.)

Since the regulations governing the use of asbestos became law in July, 1972, Union Carbide and Montello have joined in carrying out periodic field monitoring tests on rigs where our product was being used. As a result, we have accumulated air-borne asbestos fiber counts from a wide range of drill sites. We would like at this time to put on record the extensive evidence attached as Exhibits III through VII. A brief recap of the individual fiber counts follows:

TEST LOCATION	TEST DATE	CEILING CONCENTRATION FIBERS/cc	TIME-WEIGHTED AVERAGE FIBERS/cc
Texas Panhandle	Sept., 1972	1.0 0.5	0.4 0.3
Central Oklahoma	Sept., 1972	1.9 0.4	0.4 0.3
Near Houston, Texas	Sept., 1972	1.8 0.4	0.4 0.3
South Louisiana	Sept., 1972	1.4 0.6	0.3 0.3
Upper Michigan	Sept., 1974	0.1 3.7 1.4 1.8 0.4 2.2 3.9 1.3 0.2	0.27 0.31

(Recap of fiber counts continued from page 3)

015997

TEST LOCATION	TEST DATE	CEILING CONCENTRATION FIBERS/cc	TIME-WEIGHTED AVERAGE FIBERS/cc
Upper Michigan	Sept., 1974	1.9 0.7 0.4	0.45 0.41
Canadian, Texas	Mar., 1975	1.8 0.7 0.3	0.4
Vici, Oklahoma	Mar., 1975	0.1 0.1 0.2 0.5 0.6 0.5 0.2 0.0	0.2
Woodward, Oklahoma	Mar., 1975	0.3 0.6 0.3 0.5 0.2 0.2 0.2 0.3	0.2

Without exception, these readings are far below the allowable levels for both TLV and TWA. From past experience we are convinced that the excessive concentrations implied by the West Texas citations would not have been supported by actual field monitoring.

In the more than 2 1/2 years since the asbestos regulations became law, we have no knowledge of any citation having been issued based on corroborating monitoring data, to show the existence of excess air-borne fiber concentrations. In fact, where such tests have been run by compliance officers, no basis has been found for citation. In September of 1974, a compliance officer for the State of Utah carried on field monitoring tests at one of our

customer's locations. Analysis of these tests resulted in a ruling of "In Compliance". A copy of the form marked Schedule VIII is attached. 015998

In addition, we understand that one or more monitoring tests have been run in the State of Oklahoma, and that no counts in excess of the allowable limits provided in the regulations were found. We know of no other instances where monitoring by compliance officers has been undertaken in the drilling industry.

On the basis of all the above, we strongly feel that it is inappropriate for the compliance officers to continue to cite or threaten to cite, for the absence of warning signs, based on their visual observations. Such citations should, we believe, be backed up with adequate documentation, in the form of appropriate monitoring.

April 18, 1975 015999

Insert 4-7

STATEMENT OF CIRCUMSTANCES

Montello supplies a special asbestos to the drilling industry. Our business is being damaged by the issuing of citations, against users of our product, for non-posting of caution signs. These citations have not been substaintiated by monitoring to determine if excessive airborne fiber concentrations exist. Compliance is being obtained through abandonment of our product by these users. We contend that the excessive concentrations implied by these citations would not have been supported by actual field monitoring. We believe the letter and the spirit of the regulations can be served only by field monitoring prior to the issuance of citations for non-posting of caution signs. We respectfully request that a uniformity ruling be promulgated making such monitoring mandatory as the only adequate documentation for requiring caution signs on drilling rigs.

From past experience in West Texas

FACTORS SURROUNDING OUR REQUEST

Montello has been a small distributor of specialty drilling fluid additives since 1957. One of our products is a unique, high density asbestos which is manufactured for us by Union Carbide Corporation at King City, California.

On the drilling rig, asbestos usage is very sporadic. It is added to the drilling fluid through a mud hopper or large funnel. Venturi action of the fluid rushing through the bottom of this hopper creates a suction which pulls the dry product into the liquid stream. Additions typically occur no more often than once per shift. The amounts added are small, rarely exceeding 500 lbs. at a time. With three eight-hour shifts per day and 8 to 10 men per shift, assignments are exchanged frequently and the same worker rarely performs the job of adding materials for more than a few shifts. Even then only for

[redacted] he is only exposed

a small fraction of each shift. Dumping rates on asbestos are slow, averaging an hour or so for 500 lbs. When dumping, the worker cuts the end of the 50 lb. bag and allows the material to fall into the suction end of the hopper, where the product becomes part of the liquid drilling fluid seconds later. Totally enclosed mixing areas are rare with the hopper itself generally being located in the open.

Since the regulations governing the use of asbestos became law in July, 1972, Union Carbide and Montello have joined in carrying out periodic field monitoring tests on rigs where our product was being used. As a result, we have accumulated airborne asbestos fiber counts from a wide range of drill sites. We have appended a number of these reports for your consideration. A brief recap of the results follows.

(Plan to recap and append the four 1972 tests; the Coctus #16 and Cedco #37 tests from Michigan; and the three Woodward tests.)

This history of readings, which are far below the regulated TLV of ten fibers and the TWA of five fibers, leads us to believe that there is no reasonable expectation of excessive airborne concentrations when using our product. In the present context, we believe that this field experience supports the contention that monitoring on location should be the only documentation for issuance of citations for non-posting of caution signs. Clearly it is far superior to visual surveillance in terms of accuracy.

In the more than 2 1/2 years since the asbestos regulations became law, we have no knowledge of any citation having been issued, based on corroborating monitoring data to show the existence of excess airborne fiber concentrations. In fact, where such tests have been run by compliance officers, no basis has been found for citation. In September of 1974, a compliance officer for the state of Utah carried on field monitoring tests at one of our customer's locations. Analysis of these tests resulted in a ruling of "In Compliance". A copy of the form is attached. In addition, we understand that one or more monitoring tests have been run in the state of Oklahoma, and that no counts in excess of the