



INTERDEPARTMENTAL COMMUNICATION

DATE: February 9, 1973

TO: Mr. E. B. Hollingsworth

LOCATION: Wilmington

FROM: J. D. Rauch

LOCATION: Akron

SUBJECT: OSHA INSPECTION - Akron, N.Y. Plant

cc: Mr. G. E. Wilson - Portland
Mr. K. L. Gipson - Portland
Mr. H. W. Peele - Wilmington
Mr. C. W. Lehnert - Tigard R&D

PLAINTIFF'S EXHIBIT

GP-2139

At about 9:00 A.M. on Feb. 7, 1973, Mr. Harold Pauly and Mr. Robert Boyd arrived at our office and presented their credentials as inspectors from the U.S. Department of Labor Division of OSHA. They had a file from the Bureau of Mines that indicated we had an asbestos employee exposure problem in our Joint System operation. The Bureau of Mines had referred this problem to the Department of Labor because a recent ruling does not allow the Bureau of Mines to make inspection beyond our calcining process.

Mr. Boyd made an OSHA Administrative check. He noted that we had all of the required OSHA posters in proper position, recorded data regarding number of employees, our OSHA accident log, first aid equipment, etc. Mr. Boyd left the plant shortly after 2:00 P.M. and did not return. He was assisted in his collection of information by E. G. Foley and R. G. Schifferle. Mr. Pauly was conducted to the Joint System Department by W. J. Hammer and was later joined by Mr. Schifferle. Several air monitoring devices were either attached to workers in the area or located in general work areas to establish an eight hour exposure time. Mr. Pauly concluded his testing at about 7:30 P.M. and departed from the plant at about 8:00 P.M.

I had an opportunity to discuss the whole testing program with Mr. Pauly before he left the plant. He wanted to make one point clear, that his function was not to harass, write citations, or impose fines. He had been advised that we had an asbestos problem and was running air sample tests only. He did take the time to point out potential problem areas where we can expect problems with OSHA at a later date if his air sample tests indicate excessive concentrations of asbestos particles greater than 5 microns in length. These areas of potential problems were discussed in detail using his copy of the Federal Register, Vol. 37, No. 110 dated June 7, 1972. The major portion of our discussion centered around the items listed on page 11321.

1. "Establishment of a respirator program. (a) The employer shall establish a respirator program in accordance with the requirements of the American National Standards "

It was conceded that we had established a proper respirator program in the Department. However it was pointed out that the workers on the first shift were not wearing approved respirators even though they had been supplied and were readily available. The second shift was noted to be wearing properly approved respirators when they reported for work. Mr. Pauly interviewed several of the employees on both shifts and found that the first shift did not wear the approved respirators for various personal reasons. He also noted that the second shift employees were wearing approved respirators and was advised that they used them as a matter of course since the time of issue. Mr. Pauly further advised that he had a discussion with the Department Union Steward, Mr. J. Dean, and advise him that according to OSHA regulations all of the Department Employees had to wear approved respirators as a condition of employment in the Department. I will have to take this stand in the future and hope that we do not run into a test case.

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2. Caution Labels - "(i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers"

This area seemed to be of major concern to Mr. Pauly. He noted that our inbound bags of asbestos meets the required label requirements. He also noted that none of our finished products, bags or pails, have this asbestos caution label. We discussed this to some length but I was unable to sway his thinking that these labels were required.

We touched on many other items listed in the Federal Register that should be mentioned.

Asbestos work areas should not be cleaned with a broom. This tends to stir up dust and increase the concentration of asbestos fibers in the air. We should use a power sweeper with an approved filter system.

The paper bags that our asbestos is shipped in must be disposed of by collecting them in a plastic bag that has the required caution label.

The employer shall provide special clothing such as whole body coveralls, head coverings, gloves, and foot coverings for any employee exposed to air borne concentrations of asbestos fibers which exceed the ceiling level prescribed. In connection with this clothing provision requirement we must provide a separate change room for these employees, two separate clothes lockers, to isolate contaminated clothing from the employees street clothing. Further we shall provide laundering of the asbestos contaminated clothing in the prescribed manner.

This about covers our conversation except for the area caution signs we must post and the record keeping requirements for anyone working in the area.

Mr. Pauly again stated that they were not giving an OSHA Plant inspection. He was not going to check any area but the Joint System Department and only for air borne asbestos fibers. Since he is an OSHA Safety Inspector, he did comment on several items that he observed but will not report. Such items as our employee lunchroom not meeting OSHA standards, water on the floor of the warehouse, etc. I was led to understand that due to his observations we could expect a regular OSHA Plant inspection in the near future.


J. D. R.

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