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Reichhold Chemicals, Inc.
Inter-Office Communication

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cc: Mr. H. H. Reichhold
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Mr. R. K. Stensrud - Tacoma
Mr. C. S. Stryker
Mr. G. C. Sweet

From: White Plains

Date: March 28, 1973

Subject: Use of Asbestos in Polyesters

Jacksonville
Houston
Augusta
SSF

Dear Ed:

I understand from your memo of March 15 that the Plastics Division has evaluated the use of asbestos in our polyester resins and decided that it offers some economies and good physical properties as a thixotropic agent.

This memo summarizes the health and safety requirements contained in Regulation 1910.93(a) of the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor. (Copy attached).

At first impression, the regulations seem quite complicated. However, I will review and discuss those sections which affect RCI. The standards are as follows:

1. The maximum level of airborne asbestos for an 8-hour time-weighted average (TWA) period must not exceed 5 fibers longer than 5 mm. per cc. of air.

2. The ceiling concentration of airborne fibers must not exceed at any time 10 fibers longer than 5 mm. per cc. of air.

The ceiling concentration means that an employee may work in an atmosphere containing between 5 and 10 fibers longer than

Kleber + Rhodes
run dust counts
at Elizabeth Plant
on 7/5/73.
all counts below 1 fiber peak.

PLAINTIFF'S EXHIBIT
UC-1552

5 mm. per cc. but only for short periods of time. It has been suggested by NIOSH that exposure to concentrations ranging between 5 and 10 fibers longer than 5 mm. per cc. be limited to 15 minutes per hour. At no time should an employee be allowed to work in an area having a concentration greater than 10 fibers unless he is wearing adequate personal protective equipment.

Engineering methods such as isolation, enclosure, exhaust ventilation and dust collection can be used to achieve the exposure limits. Local exhaust ventilation must be in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971.

Use of respirators or shift rotation of employees to comply with the limits is not permitted except under unusual circumstances. Respirators are not required as long as the 8-hour TWA and ceiling limits are observed. Employees should be required to wear respirators when:

1. handling and unloading asbestos containers in the work area.

2. disposing of empty asbestos containers.

3. cleaning up asbestos waste and spills.

4. performing routine housekeeping duties in work areas in which asbestos has been used.

An employee respirator program must be established in accordance with ANSI Z88.2-1969 and all respirators shall be of a type approved by the Bureau of Mines, Department of Interior or NIOSH. An air purifying type respirator may be used under the above guidelines.

No special clothing or change rooms and clothes lockers are required unless the airborne concentration of fibers exceeds the 10 fiber ceiling limit. However, RCI should provide each employee who routinely handles asbestos with at least one clean work uniform each work week. Dirty uniforms will be placed into a plastic bag bearing a caution label for laundering at the expense of RCI. The laundry must be notified in writing of the asbestos

standards. A standard form letter will be provided by White Plains at the time this program is implemented.

Monitoring (sampling) of both the breathing zone of the employee and representative areas of the work environment are required. OSHA requires that these samples be taken at least every six (6) months. In the initial stages of our project, sampling shall be done at least quarterly by either our insurance carrier or our asbestos supplier. Records must be maintained for at least three (3) years. Employees normally working in areas subject to sampling or their representatives shall have access to these records.

Caution signs must be posted at each work area in which asbestos is handled and at all storage areas. Scrap asbestos and other debris which may contain free asbestos must be placed in sealed containers and labelled. Any outside waste disposal contractor handling any of the above shall be notified that the waste may contain asbestos. A standard form letter will be provided by White Plains. Required caution signs and caution labels will also be provided by White Plains.

RCI must provide or make available to each employee routinely handling or exposed to airborne concentrations of asbestos fibers, at its expense, a comprehensive medical examination as specified in the regulations. These examinations will be conducted or made available to the employee at the following times:

1. Prior to or within 30 calendar days of his first employment in an area where he is exposed to airborne asbestos.

2. Every year during his employment, as described above, within 30 calendar days of the anniversary of his last examination.

3. Upon the employee's termination of employment with RCI or upon his transfer to another work area where he is not exposed to airborne concentrations of asbestos fibers.

All medical records shall be retained for at least twenty (20) years. These records must be made available upon the request of an employee or former employee to his physician.

Those employees who decline to take any medical examination provided by RCI, at its expense, will be required to sign a waiver form to be provided by White Plains.

Finally, one regulation must be given special thought before going ahead. Each employee who has been exposed to a concentration in excess of the ceiling limit must be notified in writing within 5 days. Employees or their representatives (i.e., the union) must be given access to the records. This offers potential for harrassment.

Ed Shea advises that, in his legal opinion, we are not required to notify employees or make special tests or records resulting from "accidental" spills if a campaign of union harrassment develops since this would be an abuse of the law and the OSHA regulations for economic gain. Of course, the first "accidental" spill will probably have to be taken seriously, but if another quickly follows, we should advise the union firmly that we are not going to play their game and let them call OSHA if they want. Ed and Chuck Windsor advise that some encouragement here is that, in general, the OSHA staff has been developing a fair reputation throughout the U.S. for rejecting frivolous union claims and telling the unions that they have enough real safety problems to handle without nuisance complaints.

All questions regarding Paragraph 1910.93(a) and its interpretation and of the foregoing should be directed to the undersigned.

Very truly yours,

T. R. Madden

T. R. Madden

TRM:rt
Attachment