Cement Asbestos Products Company

Ragland, Alabama

May 21, 1975

TO: A. E. Alpine

FROM: J. R. Carpenter

SUBJECT: Report of Initial Contact by Representatives of the Occupational Safety and Health Administration, U. S. Department of Labor.

The purpose of this report is to inform you of my visits yesterday and today by Mr. Ron D. Eimer and Mr. Jim Wilson, Representatives of OSHA, U. S. Department of Labor.

The reason for their visit was the result of an official complaint filed by one of our employees. A copy of the complaint is enclosed as Enclosure No. 1.

For the record, in addition to myself, CAPCO was represented during these visits by Jim Wright, Mr. Bobby Jackson, General Safety Engineer, ASARCO, Inc., and Mr. Gerald Fox, Industrial Hygienist, Van Buren Plant.

As background data leading to the complaint, on March 7, 1975, we were visited by Mr. Rex Beckstead, Director, Department of Safety and Technical Employment of ASARCO, Inc. After reviewing our respiratory protective equipment, he informed us that our 3M disposable respirator was not NIOSH approved for protection from asbestos fibers as we had been told and recommended we replace it with the Welsh Model 7165. These were obtained and put into use the following day. Mr. Beckstead pointed out that although the Model 7165 was a single use-disposable respirator they were very sturdily constructed and with proper precautions could be reused by an individual. Also, upon examination of the container of each Model 7165, it was noted that in the manufacturing instructions for use as well as part of the Bureau of Mines Seal it was recommended to discard and replace the respirator should it become damaged or breathing resistance become excessive.



As the unit price for the Model 7165 was considerably more than the 3M respirator, Jim Wright began a study with his own Model 7165 to determine a reasonable life expectancy of this particular mask. As the filter portion is constructed in layers, he was able to examine the penetration of the discoloration in relation to use. It was also discussed and decided that if our personnel were to reuse these respirators, we should provide them with the wherewithall to sanitize the area of the mask that contacts the face. The necessary items were purchased along with a cabinet and placed in a centralized location, clearly marked "Respirator Cleaning Station". A note to all supervisors was drafted March 25, 1975, outlining the reasons for the sanitizing program. A copy of this note is included as Enclosure No. 2. Additionally, the following day, sanitizing instructions were posted on the plant bulletin board. (See Enclosure No. 3.)

On April 1, 1975, a notice was posted to the effect that the determined life expectancy of the new respirator was four weeks if properly cared for. (See Enclosure No. 4.)

Before their arrival, the OSHA Representatives were furnished only with the official complaint and a copy of Enclosure No. 4 which was dated April 1, 1975. From the information supplied them they had assumed we were asking our employees to clean the filter portion of a disposable respirator by some method. One of their thoughts was they were cleaning them by blowing air through them and thereby dispelling asbestos fibers into the air again.

After a lengthy discussion of the facts as described above, Mr. Eimer still was not convinced that our program was sound and decided he would have to confer with the Area Director, Mr. Larry Wyatt, about the advisability of reusing the Model 7165 regardless of our sanitizing procedure.

At this point they asked to review our records as required by OSHA concerning accidents, pre-employment physical examinations, and also our file on Asbestos Dust Counts. All of our records were "up-to-date" and Mr. Eimer was very complimentary.

While reviewing our Asbestos Dust Count Record, I was asked if we had any areas that were above the acceptable limits. I informed them we have one area (Batch Area) that is above the five fiber limit and proceeded to describe our program for protecting our employees who work in this area. Following this discussion Mr. Eimer and Mr. Wilson ask to see the batch area to take pictures for their records. During the examination of batch area, I discussed in detail our new dust collection system. They took pictures of our baghouse and hoods on rework saw and finishing line lathe and remarks were very favorable.

On their return this morning they informed me that Mr. Wyatt had been unable to give them a definite opinion concerning our use of the Model 7165. He had in turn placed a call to the Regional Manager in Atlanta for his opinion but had been unable to reach him this morning. Mr. Eimer is to contact me by phone as quickly as they have a definite reply.

At this time, Mr. Eimer ask to have a private conversation with one of the union representatives. I called in Mr. James McGuffie, President of Local 457 of our plant and all CAPCO Representatives left the room. After conferring with James McGuffie for about one-half hour, Mr. Eimer came out and informed me that Mr. McGuffie had expressed concern about the opened conveyor belt which transports the fiber from storage silo to the weighing hopper above the turbopulper. He ask that we reinspect this area which I readily agreed to. While inspecting this area with them, I pointed out that the open conveyor belt was not the primary problem but the main problem area was the transfer points between the silo and the conveyor belt and the conveyor belt and the weighing hopper. I informed them that although we have no immediate plan to enclose this conveyor belt we have for sometime been working at improving the conditions in this area. I described as thoroughly as possible the changes made in the area of the fiber silo and also improvements made in the weighing hoppers of both fiber, cement and silica. Jim Wright informed Mr. Eimer that it had not been two weeks since he had discussed in detail with Mr. McGuffie his preliminary thoughts on enclosing this belt. We also told them

that plans were already being formulated to convert this system to a dry mix which should completely eliminate this problem area.

After returning to my office, Mr. Eimer informed me that although he could not definitely say he did not feel there would be any citation. He did provide me with a copy of instructions and options open to me should there be any citation. A copy of this is included as Enclosure No. 5. A follow up report to follow upon receipt of any correspondence from Mr. Eimer.

Enclosure

March 25, 1975

TO: ALL SUPERVISORS

In order to help hold down operating cost, a respirator cleaning station has been provided. These respirators do an excellent job and can be freely worn by all employees. This is a recommended practice. However, unless otherwise abused, these respirators, which are more expensive than the old respirator, can be sanitized as per instructions on respirator cleaning station. Thus longer service can be achieved from each respirator. A service life will be duly recommended, so that, again, unless otherwise abused, the respirator can be maintained hygienically by employees for the period of its service life.

Enclosure #2

March 26, 1975

TO: ALL EMPLOYEES

FROM: JIM WRIGHT

SANITIZING INSTRUCTIONS

Spray inside of respirator lightly with sanitizing fluid. Gently absorb all excess fluid while cleaning the area with absorbent tissue.

April 1, 1975

TO: ALL EMPLOYEES

Please note that the life expectancy of the new respirator is a minimum of four weeks, provided that you clean it according to the instructions posted on the bulletin board.

Thanks,

Jim Wright

Enclosure # 4

April 1, 1975

TO: ALL EMPLOYEES

Please note that the life expectancy of the new respirator is a minimum of four weeks, provided that you clean it according to the instructions posted on the bulletin board.

Thanks,

Jim Wright

Enclosure # 4

Employee C

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

Form Approved
OMB No. 044R1

Log #156

For Official Use Only		
Area	Date Received: April 8, 1975	Time
Region	Received By	

COMPLAINT

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.

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.

Does this hazard(s) immediately threaten death or serious physical harm? ☒ Yes ☐ No

Employer's Name Cement Asbestos Product Co.

Address (Street _____ Telephone 472-2111

(City Ragland State Alabama Zip Code 35131

1. Kind of business Pipe Shop

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

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

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

We are asked to wear one time use disposable dust masks for approximately 4 weeks. This affects approximately 100 employees.

The man that requested this is a new man with this company.

(Continue on reverse side if necessa

Sec. 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees 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 employees 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 employees or representative of the employees in writing of such determination.

E.O. 11

(Continued on reverse side)

Form OS
Rev. Jan.

CAPCO ALV 0032560

5. List by number and/or name the particular standard *(or standards)* issued by the Department of Labor which you claim has been violated, if known.

6. (a) To your knowledge has this violation been considered previously by any Government agency? No

(b) If so, please state the name of the agency

(c) and, the approximate date it was so considered.

7. (a) Is this complaint, or a complaint alleging a similar violation, being filed with any other Government agency?
No

(b) If so, give the name and address of each.

8. (a) To your knowledge, has this violation been the subject of any union/management grievance or have you *(or anyone you know)* otherwise called it to the attention of, or discussed it with, the employer or any representative thereof?
Not to my knowledge

(b) If so, please give the results thereof, including any efforts by management to correct the violation.

9. Please indicate your desire:

☒ I do not want my name revealed to the employer.

☐ My name may be revealed to the employer.

Continue Item 4 here, if additional space is needed.

COMPLAINANT'S NAME

Signature _____ Date _____

Typed or Printed Name _____

Address (Street _____ Telephone _____

(City _____ State _____ Zip Code _____

If you are a representative of employees, state the name of your organization _____

GPO 824-

CAPCO ALV 0032561

THIS IS IMPORTANT INFORMATION!
PLEASE READ CAREFULLY
QUESTION THE INSPECTING COMPLIANCE OFFICER ON ANY POINTS YOU DO NOT UNDERSTAND

Mr. Employer:

This sheet contains important information relating to the closing conference.

CITATION - The violations which have been discussed will probably result in a citation. If so, you should read the citation very carefully, including the printed cover letter.

PENALTIES - You are reminded of the possibility that monetary penalties may be assessed for violations found. If so, a separate proposed penalty letter (OSHA-3) will be forwarded to you. The total amount shown on the OSHA-3, which already includes the 50% adjustment factor, will be due within 15 working days after receipt. All penalties are payable even though violations are corrected.

POSTING - The Act requires a copy of the citation be prominently posted upon receipt "in a conspicuous place at or near the violation cited". It must remain posted until all violations cited are corrected or three working days, whichever is longer. The Act contains penalties of $500 for violations of posting requirements.

CONTEST PROCEDURES - You have a right to contest our findings. To do so you must notify this office in writing within 15 working days after receipt of the notice of proposed penalties. If you contest, you must post a notice to this effect near the citation contested.

CORRECTION - Alleged violations that are not contested are required to be corrected by the abatement dates shown on the citation. A letter from a company official stating in detail how the violations have been corrected and the date of the correction will be due in our office by the abatement dates. If this abatement letter is not sent, a follow-up inspection will be made!

ABATEMENT DATES - Your input has been carefully considered in arriving at the abatement dates shown on the citation you may receive. We believe these dates to be realistic, and you are expected to have the items abated by that time. Failure to correct an alleged violation by that date will result in minimum penalties of $100 per day for each violation not corrected. Should some unforseen circumstance take place which will prevent your completion of an item by this date, you should submit a letter of request for an extension to our office as far in advance as possible of the abatement date in order for the Area Director to consider an extension. This letter must contain the following information as a minimum:

1. Detailed information regarding steps you have taken, including dates of such actions, to achieve compliance during the prescribed abatement period.

2. A statement defining the specific additional abatement time necessary to achieve compliance.

3. The reasons such additional time is necessary including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

4. A list of all available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

5. A statement certifying that a copy of your request for an extension has been posted (and the date of such posting) in a conspicuous place where all affected employees will have notice thereof or near each location where the violation occurred. If your employees are represented by an authorized representative, you must serve the representative with a copy of your request and certify that you have done so. You must also certify that you notified your employees of their right to file an objection to your request in writing with the Birmingham OSHA Office, and that they were informed that failure to file such objection within 10 working days of the date of posting the request will constitute a waiver of any further right to object to the petition.

FOLLOW-UP INSPECTION - A follow-up inspection will be made on all serious violations and may be made on other inspections for the purpose of ascertaining that you have posted the citation as required by the Act and corrected the violations as you have promised. The Act provides that whoever knowingly gives false information is subject to a fine up to $10,000, imprisonment up to 6 months, or both.

Reference 4.5

2/20/75

G. L. WYATT, Area Director
Birmingham Area Office

CAPCO ALV 0032562