

May 14, 1981

PLAINTIFF'S EXHIBIT

MBL-266

MEMO TO FILE:

- I. OSHA Inspectors Don Abramowitz, Industrial Hygienist, and Al Smith, Safety Specialist, arrived at the Refinery at 9:50 A.M. on Wednesday, May 13, 1981 to investigate a complaint (see attached).
- II. Fairfax was notified at 10:15 A.M. and a strategy was formulated; i.e., for them to speak to Amnon Benjamini, Dr. McNally and the ranking union official.
- III. At 11:00 A.M. OSHA Inspectors came to Conference Room, spoke to Amnon but did not look at OSHA 200. At 11:15 A.M. Amnon returned to his office, and they said that they wanted to talk to Union Official. I suggested that they go to lunch and upon their return they could talk to the Union Official and Dr. McNally.
- IV. They returned at 12:45 P.M. and at 1:00 P.M. we met with Dr. McNally. We had a general discussion relative to the complaint.
- V. At 1:20 P.M. they requested to talk to the ranking Union Official. I called Dick Meyer. Dick stated that he wanted Ken Estes contacted. Estes was notified at approximately 1:30 P.M. Prior to Estes' arrival the Inspector gave us a copy of the questions that he had (see attached). I told the Inspectors that we were not in a posture to respond to any of the questions in Estes presence.
- VI. Estes arrived at 1:55 P.M. The Inspectors and Estes conferred until 2:20 P.M.
- VII. At 2:25 P.M., Dr. McNally responded in the presence of Estes, myself and the Inspectors that he was not in a position to speak to the clinical classes of employees in our Surveillance Program. He stated that he had a patient/medical relationship and had no reporting responsibility to Estes. Mr. Estes relationship was between management and the union. Dr. McNally further stated that he was interested in the health of all and recognizes the health hazard of certain substances. The Medical Department would maintain these substances under strict control and conduct appropriate surveillance. After some discussion Abramowitz agreed, at which time Estes stated that if that is the way it is that's the way it is. If he had to go to other means to get the information, he would. Estes left Medical at 2:55 P.M.

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- VIII. Myself and Dr. McNally continued to confer with the Inspectors in general terms. Abramowitz requested Xerox copies of sample names and those employees in each clinical classification for Drs. Logan and Sparks in OSHA's Washington Office to review. Upon this response we requested that Mr. Abramowitz make the request formally, at which time Inspector Smith heartily agreed. Mr. Abramowitz agreed to do same.
- IX. After parting remarks, the two OSHA Inspectors left the plant at 3:40 P.M.



R. L. Smith, Jr.

RLS, Jr./rdm
Attachments

Note: Called Gene Perry - Perry notified Susan Childs and Tom Cole (in R. H. Murray's absence).

Notified E. J. Lynch (in A. B. Hiser's absence). Bud notified Tom Cole also.

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