

U.S. Department of Labor
Houston Area Office
2320 LaBranch, Room 1103
Houston, Texas 77004

Occupational Safety and Health Administration

Reply to the Attention of:



September 23, 1983

① JC: Dancer
Hammann ✓

Mr. Gene L. Tromblee
Monsanto Fibers and Intermediates Co.
P.O. Box 1311
Texas City, Texas 77590

FYA.

RE: M6013-167

Gene.

Dear Mr. Tromblee:

② +

A citation was issued to your company containing item(s) with abatement date(s) that are now past due.

As a courtesy, we wish to bring this to your attention as these dates may have been overlooked. Since your receipt of this citation, we have not received correspondence from you indicating that you have complied or abated all the items. We are in need of documentation from you indicating the status of these items. Followup inspection indicating non-abatement may result in additional proposed penalty. It is requested that reports be made upon each abatement date as indicated in the citation in order to minimize reinspection activity.

We will appreciate your prompt attention to this matter, and should you have any questions concerning this item or others regarding the Occupational Safety and Health Act of 1970, please contact this office. If you have recently mailed this abatement report, please disregard this letter as it is sent as a courtesy reminder.

Sincerely,

G.A. Baty

GERALD A. BATY
Area Director



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23504

Monsanto

MONSANTO FIBERS AND INTERMEDIATES CO.
P. O. Box 1311
Texas City, Texas 77590
Phone: (713) 945-4431

September 26, 1983

Gerald A. Baty, Area Director
Occupational Safety & Health Administration
U.S. Department of Labor
2320 La Branch, Room 1103
Houston, Texas 77004

Re: Citation M6013-167 dated 8/22/83, as amended by
the informal settlement agreement of 9/01/83.

Dear Sir:

Monsanto Fibers & Intermediates Company is complying with 29 CFR 1910.1001 (F)(2)(ii) concerning personal monitoring of airborne asbestos. This monitoring has been done and will be continued at intervals of no more than six months for our employees whose exposure to asbestos may exceed the limits prescribed by paragraph (b) of 29 CFR 1910.1001.

Very truly yours,



R. T. Hammann, Superintendent
Loss Prevention & Safety Dept.

RTH/es

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Monsanto

FROM (NAME LOCATION-PHONE)

LAW DEPARTMENT

P. S. Park G3WB 4-8503

DATE September 13, 1983

cc

SUBJECT R.T.H. to P.S.P. 9/7/83

REFERENCE

TO R. T. Hammann

Attached to your above referenced memo was a proposed letter to the OSHA Area Director concerning personal monitoring for air-borne asbestos fibers, and a copy of the "Informal Settlement Agreement," which resolved the disagreement over OSHA Citation No. M6013 167. You asked for my comments concerning the letter to OSHA.

The letter to the OSHA Area Director looks fine, except that to correctly follow OSHA terminology, the "B" in the last line should be replaced by "(b)."

I see no objection to the letter being over your signature.


Phocion S. Park

jf

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Monsanto

FROM NAME & LOCATION: R.T. Hammann, LP&S - Texas City 0-22 Ext. 3234

DATE: September 7, 1983

cc

SUBJECT: Letter of Corrective Action to OSHA Area Director

REFERENCE

TO : P.S. Park (SL) G3WB

Attached is a copy of the Informal Settlement Agreement reached with OSHA on 9/01/83.

In order to close the file we are required to send a letter of corrective action to Gerald Baty, the Area Director in Houston. Please let me know of any corrections needed to this letter.

Also, should it go out under the Plant Manager's signature?

Thank you for your assistance.



R.T. Hammann

Attachment

RTH/es

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Monsanto

MONSANTO FIBERS AND INTERMEDIATES CO.
P. O. Box 1311
Texas City, Texas 77590
Phone: (713) 945-4431

September 7, 1983

Gerald A. Baty, Area Director
Occupational Safety & Health Administration
U.S. Department of Labor
2320 La Branch, Room 1103
Houston, Texas 77004

Re: Citation M6013-167 dated 8/22/83, as amended by
the informal settlement agreement of 9/01/83.

Dear Sir:

Monsanto Fibers & Intermediates Company is complying with 29 CFR 1910.1001 (F)(2)(ii) concerning personal monitoring of airborne asbestos. This monitoring has been done and will be continued at intervals of no more than six months for our employees whose exposure to asbestos may exceed the limits prescribed by paragraph B of 29 CFR 1910.1001.

Very truly yours,

R. T. Hammann, Superintendent
Loss Prevention & Safety Dept.

RTH/es

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

In the Matter of: *Montanto Fibers and Intermediates Co.*
OSHA No.(s): *M6013-167, Citation No. 1, OTHER*

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on *August 22, 1983*, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties (if any) are not being amended by this agreement:

N/A
4. OSHA agrees that the following citations and penalties are being amended as shown (see attachments):

5. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.

6. The Employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraphs 3 and 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

Robert J. Humann
FOR THE EMPLOYER

Harold A. Bely
FOR THE OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION

9/1/83
DATE

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 4 of this Settlement Agreement must be mailed to the U.S. Department of Labor-OSHA, 2320 LaBranch, Room 2118, Houston, Texas 77004, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations referred to in paragraph 3 provided that the objection is mailed to the office shown above within the 15 working day period established by the original citation.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Houston Area Office
2300 LaBranch - Room 1103
Houston, Texas 77004

ISSUANCE DATE 8/22/83		OSHA NUMBER 260131 167	
REGION 6	AREA 2500	PAGE 1 OF 1	

OTHER	1
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INSPECTION DATE
6/23/83 - 7/1/83

INSPECTION SITE:
207 South Bay Street
Pine City, Texas 77590

TO: Monsanto Fibers and Intermediates Company
and its successors
P.O. Box 1311
Texas City, Texas 77590
ATTN: Mr. Gene L. Troubleee, Plant Manager

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ITEM NUMBER STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PEN
The issuance of this citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Review Commission. The violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below. 1 29 CFR 1910.1001(f)(2)(ii): The airborne asbestos monitoring schedule was not of sufficient frequency and pattern as to represent with reasonable accuracy the levels of employee exposure to airborne asbestos fibers: (a) Monsanto Fibers and Intermediates Company in Texas City, Texas, does not conduct personal monitoring for airborne asbestos fibers at intervals of 6 months or less for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by paragraph b of 29 CFR 1910.1001. 2 ITEM DELETED BY SETTLEMENT AGREEMENT 29 CFR 1910.1001(j)(2): The employer did not provide or make available, to each employee, within 30 days following his first employment in an occupation exposed to airborne levels of asbestos fibers, a comprehensive medical examination: (a) On June 30, 1983, an employee working on Unit 16 E2 was exposed to 0.23 fibers per cubic centimeter of air. This exposure occurred during an asbestos insulation removal. The sample taken was a 15-minute ceiling sample.	Immediately Upon Receipt 9/26/83	\$0 \$0
AREA DIRECTOR GEOFF A. DUFF		\$0

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23511

INFORMAL CONFERENCE WITH OSHA
Held 9/01/83

Meeting was held with Gerald A. Baty, OSHA Area Director, and Jack Fontaine, Industrial Hygiene Supervisor, concerning the citation issued 8/23/83. This was as a result of the inspection of 6/28-7/01/83, on asbestos handling.

Present for Monsanto were: Dan Campbell, Industrial Hygienist, and R.T. Hammann, LP&S Superintendent.

Discussion of the citation consisted of the following:

Point I - Asbestos Monitoring

Monitoring done in January included a source sample which, although not attached to the individual, was construed to be a personal sample as it was hung in the breathing zone.

Point II - Preplacement Exam

- A. History of the complaint.
- B. Monsanto policy on medical exams.
- C. Felt that we have complied with the intent of the regulation in establishing baseline data.

An informal settlement agreement was reached whereby OSHA deleted Point II and Point I will be abated by the Texas City plant.

Additional Information Received During This Conference:

OSHA considers that when monitoring of personnel shows greater than 0.1 fbrs/cc for an 8 hour time weighted average that these employees must receive the annual physical.

R. T. Hammann

RTH/es

CLOSING CONFERENCE -- OSHA INSPECTION FOR 8/12/83

The closing conference with Rex McKinney, OSHA, was set for 1400 on 8/12/83. Mr. McKinney arrived at the plant at 1230 and was brought in from the Main Gate at 1300. Prior to the closing conference there was some discussion on steps that we have taken since the inspection of 6/28-7/1 concerning employee physicals. We stated that we plan to initiate yearly physicals (including medical history, pulmonary function test and chest x-ray) for those individuals doing incidental work requiring them to remove asbestos insulation. Also stated that we would not force an individual to take the chest x-ray. However, if they decided not to take the x-ray, then they would be required to sign a statement stating this.

He also requested medical information on the two workers, R.V. Nicol and G.E. Hoyland, on which personnel monitoring was done while they were performing job of stripping asbestos. Information given was as follows:

	<u>Last Physical</u>	<u>Pulmonary Function Test</u>	<u>Chest X-ray</u>
Nicol	03/23/83	08/81	Given slip at last physical
Hoyland	11/17/82	11/17/82	Given slip at last physical

Closing Conference

Personnel present:

Rex McKinney, OSHA
Charles Davis, Pipefitter Safety Representative
Greg Daues
Dan Campbell
Mark Riddle
Bob Hammann

Mr. McKinney started by stating that their tests showed 0.3 fibers/cc which is well below the ceiling limit and therefore indicated no overexposure. He stated there were three possible citation areas.

1. Work practices/wet methods - 1910.1001 C.2.i

We were cited as the workers did not wet down the asbestos while they were removing it. It is our practice to wet down the asbestos. He has a copy of our procedures which state this. Abatement period - immediate. This has always been our practice.

2. Personnel monitoring - 910.1001 F.2.ii

Personnel monitoring must be done at intervals no greater than six months. From the data that we have given him, this has not been done. Additional search for data will be made to see if we have indeed complied with this. Abatement period - immediate.

3. Employee physicals - 1910.1001 J.2

People working with asbestos shall have a physical examination within 30 calendar days. Some discussion followed concerning this when we once again stated our opinion that this initial examination is to establish baseline data. We are willing to accept data taken from earlier physicals as being the baseline data. He could not answer this other than to state that we would have to discuss it with his boss at an informal conference sometime after receiving any citations. His boss' name is Jack Fontaine and his phone number is 750-1727.

We should receive the formal citation within two weeks by registered mail. The fifteen working day period for formally contesting the citation will start the day after receipt of the citation.

OSHA INSPECTOR -- ASBESTOS

Telephone Conversation With Rex McKinney of OSHA on 7/26/83

A call was placed to Rex McKinney to discuss the status of OSHA's personal sampling and determine if a date could be set for the closing conference. OSHA has not received the analysis of their samples as yet. They've recently moved their lab and feel that there may be some additional delay due to this. He does not expect to get the results of their sampling back for at least two more weeks. Whenever this data is received he will contact me to set up a closing conference. I did relay to him the information concerning the results of our tests (that the personal samples were 0.21 and 0.23 fibers/cc). Also discussed with him whether he had talked with his boss concerning, ~~for that~~ we had met the intent of the OSHA Standard which was to establish a baseline for our employees since we do have past physicals on employees as part of our medical program. He stated that he had ~~discussed it~~ ~~or~~ mentioned it to his boss, but that the best thing for us to do would be to wait until after the closing conference and if there was a citation on this, then we could request an informal conference with his boss in order to present our position. At that time they would accept or reject our contention.

R. T. Hammann

RTH/es