ATTACHMENT "B"

UNION CARBIDE CORPORATION
OLD RIDGEBURY ROAD DANBURY CONN 06817
LAW DEPARTMENT

January 27, 1987

To: C. R. Rotthoff

From: D. R. Crowell II

Re: Use of Negative Pressure Enclosures for Asbestos Operations

After our telephone conversation yesterday, I spoke with Bob Ondocsin about the two issues you has raised, i.e., whether a negative pressure enclosure must always be used for reapplication of mastic to asbestos covered containers and whether a negative pressure enclosure is required where the use of wetting techniques reduces airborne concentrations below the action level of 0.1 fiber per cubic meter.

The clear intent expressed by OSHA has been that if asbestos is involved, there is a heavy burden on the employer to demonstrate the standard's inapplicability. With respect to the second issue, Bob agreed that his understanding of OSHA's position was that reductions below the action level by the use of wetting techniques or other procedures does not exempt such situations from the coverage of the asbestos standard.

Similarly, the first issue raises a presumption of the applicability of the standard's provisions for engineering controls. It is my understanding that the specific operation you had in mind was the application of mastic over existing mastic that encapsulates asbestos insulation on process vessels and pipelines. While the specific operation involved may have far less probability of resulting in impermissible airborne concentrations of asbestos than would other types of repair work, very detailed monitoring data will be required to demonstrate that the application of new mastic to repair cracks in the old mastic does not result in the action level being exceeded.

Unless monitoring demonstrates that the action level will not be acceded, engineering and administrative controls will be required for such operations, i.e., negative pressure enclosures and the associated decontamination areas, or for small jobs, glove bags.

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PLAINTIFF'S EXHIBIT
UC-4030

OSHA has reiterated in public forums the breadth of coverage stated in the Preamble to the standard, i.e., all "occupational exposures." Bob's memorandum and attachments of January 15, 1987 (copy attached) reflect OSHA's intention to broadly interpret the standard's coverage and strictly apply its protective provisions. These facts, coupled with the well-documented and well-recognized hazards associated with asbestos dictate that any determination that the standard is inapplicable be carefully scrutinized and scrupulously documented.

DRC/ce

Enclosure

cc: N. E. Bolton
S. E. Hine
M. G. Manetti
R. D. Ondocsin
B. L. White

ATTACHMENT "C"

FILE

OSHA ASBESTOS STANDARD

UNION CARBIDE

INTERNAL CORRESPONDENCE

CHEMICALS AND PLASTICS GROUP
HEALTH, SAFETY & ENVIRONMENTAL AFFAIRS

P-2
39 Old Ridgebury Road
Danbury, CT 06817-0001

TO: SEE ATTACHED DISTRIBUTION LIST DATE: January 15, 1987

COPY: SEE ATTACHED DISTRIBUTION LIST SUBJECT: ASBESTOS STANDARD

Below are clarifications of OSHA's Construction Asbestos Standard which were made by officials from OSHA's Office of Health Compliance Assistance at ORC's Asbestos Task Force Meeting on January 14, 1987. In addition to this communication, I am sending out immediately via Express Mail two letters of interpretation signed by John Miles, Director of Field Operations.

Unfortunately, the Field Compliance Instruction is still not available from OSHA but it was said to be in typing now and will distributed to OSHA field offices very soon (within two weeks) for last minute comments. As soon as it becomes available, I will forward it to you.

Three OSHA officials, Dave Smith, Joe Hopkins (primary spokesman) and Ray Gibbs provided the clarifications below:

1. Scope - The General Industry Standard covers primary and secondary producers of asbestos products, shipbuilding and automotive clutch and brake repair. All other activities are covered by the construction standard.

2. Negative Pressure Enclosures - Such enclosures are to be used on all removal, demolition or renovation operations where it is physically possible to establish them and which do not qualify as short duration, small scale operations. Inability or impracticality of enclosing structures within a single enclosure does not by itself mean that enclosures are infeasible. In such a case, the feasibility of several smaller enclosures must be considered. If it is physically possible to establish the smaller enclosures, then they are to be constructed and the removal is to be done section by section.

   Hazards created by the presence of negative pressure enclosures can be taken into consideration in determining feasibility.

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3. Short Duration Task - Definition of such tasks by length of time or amount of material were totally avoided by OSHA. Rather, maintenance activities (as opposed to removal operations) which can be controlled by employee isolation (such as glove bags) or wet methods are called short duration tasks. Note: if the short duration, small scale exemption from negative pressure enclosures is claimed, the requirements of Appendix G must be followed.

4. Hygiene Facilities - Decontamination areas are to be located adjacent to regulated areas where feasible. As with negative pressure enclosures, feasibility is interpreted to mean physical feasibility. The use of commercially available movable trailers which provide the decontamination area should be considered as an option. Each employee must follow the decontamination area exit procedures each time he leaves the regulated area, regardless of the time he spent in the area. This includes lunches and breaks.

5. Labels - The labelling requirements are primarily intended to apply to new products. Use of the prescribed label wording will not be required by OSHA on previously installed asbestos. Some sort of identification system such as color coded tags or signs, which identifies the material as asbestos, will meet the intent of the standard by alerting employees to the presence of asbestos. Employees need to be trained to recognize and understand such an identification system.

6. Medical Surveillance - Annual requirement may be discontinued for one-time exposures under certain conditions. OSHA letter of interpretation will explain more fully.

7. Competent Person - A specific number of days of training is not required but training content should be equivalent to the referenced EPA course. A Competent Person may delegate responsibilites but he must be the lead contact and retains ultimate responsibility.

I am hopeful that this telex together with the letters being sent via Express Mail which you should receive Friday morning will provide the additional clarification that you will need. Nevertheless, there will still probably be further detailed questions that you may have after you read this information. I will be in the office all day Friday, January 16 and through noon on Monday, Januray 19. Please call me on extension 5265 with further questions or to discuss any of the above information..

Robert D. Ondocsin

RDO:jmc
Attachments
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