PLAINTIFF'S EXHIBIT

MGC-423

The Industrial Commission
Of Ohio
Division Of Safety & Hygiene
246 N. High St., Col., O. 43215

June 27, 1985

Legal Section
Industrial Commission of Ohio
246 North High Street
Columbus, Ohio 43215

Re: O.D. 185692
Donald Ashford, Sr.
McGraw Construction Co.
Middletown, Ohio 45042

Attention: Judy Spencer

Dear Ms. Spencer:

The offices of McGraw Construction Company in Middletown, Ohio were visited by the undersigned on April 22, 1985. The purpose of the visit was to collect information relative to the claimant's employment history and work conditions. Mr. Ashford alleges exposure to asbestos caused his pulmonary impairment, which was diagnosed as asbestosis by Dr. David Egilman.

Employment records at McGraw's Middletown offices indicate Mr. Ashford last worked as a pipefitter at Armco Steel's New Miami plant from August 23, 1976, until November 16, 1979. The New Miami plant was used to convert coal into coke. A complete record of the claimant's 30 years as a pipefitter is contained in the file.

According to a telephone conversation with Mr. Linville Estep, Assistant Superintendent for McGraw Construction Company at the New Miami plant, Mr. Ashford's work primarily involved the installation of new pipe for a biological treatment plant. Thus, exposure to asbestos insulation was unlikely. However, Mr. Estep also states that the claimant also performed some repair work but that a separate contractor was responsible for the removal and installation of insulation materials. In conclusion, although asbestos containing insulation was present on many of the high pressure steam lines, Mr. Estep contended that Mr. Ashford should not have encountered asbestos while working at this particular job site.

Information obtained from Mr. Estep is substantiated by the statement in the file given by Mr. Bill Freeze, also an employee of McGraw Construction. Mr. Freeze stated that Smith Brothers Company was contracted to remove existing insulation prior to any involvement of the pipefitters. Thus, providing the aforementioned information is correct, the potential for the claimant to be exposed to airborne asbestos would have been dependent on the work, clean up and disposal techniques used by the insulation contractor.

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The OSHA standard for Exposure to Asbestos Dust was published in the Federal Register on June 7, 1972. It was re-codified in the Federal Register on May 28, 1975. The regulations applied to the handling of asbestos fibers including removal procedures. It defined occupational exposure limits, methods of compliance, personal protective equipment, etc... Regulations enforced by the U.S. EPA pertaining to the renovation or demolition of structures containing asbestos became effective on April 6, 1973.[1] Although these occupational standards were effective prior to the claimant's period of employment with McGraw Construction at Armco's New Miami plant (1976-1979), many contractors have been negligent in their responsibility to comply for various reasons. Thus, the claimant could have been exposed to significant levels of asbestos if the contractor used poor work procedures.

According to Volume 1 of the Encyclopedia of Occupational Health and Safety "Asbestos is primarily occupational in origin, the result of mining, milling, manufacturing, applying, removing or transporting asbestos fibre. Exposure is much less when the fibre is bound in the product (asbestos cement and asbestos plastic and paper products). Also, exposure in the past was much greater than it is today with the use of the best working practices." It further states that "Asbestosis does not result from the very limited exposure to which the general public is or has been subject, even though asbestos fibres are detectable in the lungs of a high proportion of adults in highly industrialized areas."[2]

In response to the file in which it was asked whether or not proof of asbestos exposure could be determined the answer is no. A site visit was not possible in this instance. Thus, the validity of this claim must be based solely on information supplied by the company, the claimant, witnesses and literature references.

In summary the claimant, Donald Ashford Senior, was employed by McGraw Construction as a pipefitter at Armco Steel's New Miami plant from 1976-1979. Information supplied by company representatives indicate the claimant id not directly contact insulation containing asbestos. A separate contractor was hired for the purpose of removing and installing insulation. Due to the nature of the job a site visit was not possible. As a result, the claimant's allegations of asbestos exposure can not be confirmed. However, if the diagnosis of Dr. Egilman is correct, the literature reviewed would implicate the disease to be occupationally related. In light of the claimant's 30 year work history as a pipefitter, the lack of federal regulation and adequate health information and the probability of adverse working conditions (especially during the earlier years of his employment) consideration should be given to the validity of this claim.

Respectfully submitted,

Mark A. Ashworth

Mark A. Ashworth
Industrial Hygienist

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References:

1.) U.S. EPA, Asbestos Containing Materials in School Buildings, U.S. EPA, 1979.

2.) International Labor Organization, Encyclopedia of Occupational Health and Safety, ILO, Geneva, 1983, pp. 190.

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