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T. Ellison

MEMORANDUM

May 9, 1990

TO: Plant Managers and Purchasing Agents

CC: E. C. Irby, J. R. McGill, B. J. Sasser, L. C. Tropea,
P. R. Laden, B. J. Mallinger, A. L. Adams,
J. R. Marshburn

FROM: Homer M. Cole - Ind. Hyg. & Tox. - E-L-12

RE: ASBESTOS DEMOLITION/REMOVAL/REPAIR PROCEDURES

PLAINTIFF'S
EXHIBIT

RMC-431

Attached are Reynolds' recently adopted Asbestos Demolition/Removal/Repair Procedures. These procedures will apply to all contracts for asbestos removal work and will be incorporated into a Corporate Operating Manual. The procedures are detailed, but necessary, based on a recent incident.

An asbestos removal company was doing demolition work at one of Reynolds' Arkansas facilities. A state inspector observed violations of asbestos regulations by the contractor's workers. The state contacted the Federal EPA which issued a notice of violation. The EPA threatened a lawsuit, with a \$632,025 fine and an injunction. The state sought additional penalties.

In this type of situation federal law potentially makes both Reynolds and the contractor jointly liable (i.e., each liable for the full amount of the fine). The EPA took the position that Reynolds, as the larger company, was liable for the majority of the fine, despite the fact the contractor completely controlled the work and caused the asbestos violations.

The case was eventually settled. Reynolds paid a \$75,000 fine to the federal government and a \$22,500 fine to the state. Reynolds also entered into an agreement with the EPA and the state that requires Reynolds to take additional precaution for future asbestos removal projects.

Needless to say, the EPA and OSHA are now looking over our shoulder to make sure Reynolds takes these additional precautions. To avoid an expensive repetition of this incident, the attached procedures, dealing with the selection and monitoring of asbestos demolition/removal or repair, should be implemented immediately.

Should you have questions regarding the implementation of the attached procedures, please call Ed Marshburn, (Ext. 4056) or Ron Benton (Ext. 3795).

Homer M. Cole
Homer M. Cole

HMC/cjs
Attachment

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PLANT MANAGER
SHEWAN PLANT

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GENERAL

It is Reynolds Metals Company's policy that all asbestos demolition, removal and repair work at company facilities strictly conform with applicable health and environmental laws and regulations. To ensure compliance with this policy only contractors approved by Corporate Industrial Hygiene (Approved Asbestos Contractors) may perform asbestos demolition, removal and repair work. In addition, their work must be adequately monitored from the time the work commences until completion.

This procedure outlines the steps which company facilities must follow when selecting and monitoring the work of asbestos demolition, removal and repair contractors.

SELECTING ASBESTOS DEMOLITION/REMOVAL/REPAIR CONTRACTORS

APPROVED ASBESTOS CONTRACTORS

Except as provided below in connection with certain exceptional situations, all asbestos demolition, removal and repair work at company facilities must be performed by Approved Asbestos Contractors. Corporate Industrial Hygiene will maintain and provide lists of such contractors to the Corporate Purchasing Department for distribution to facility purchasing representatives. In order to be included on this list, a contractor must possess all required federal, state and local licenses and certifications and have a demonstrated history of satisfactory performance in asbestos demolition, removal and repair projects.

EXCEPTIONAL CIRCUMSTANCES

The use of company employees to perform asbestos demolition, removal and repair work is not encouraged and is restricted to the following circumstances:

1. the time of performance is critical,
2. an Approved Asbestos Contractor cannot be retained on a timely basis,

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3. the quantity of asbestos or asbestos-containing material involved falls within the EPA's classification of "small scale, short duration job"<1>, and
4. the demolition or removal of asbestos or asbestos-containing material is not the primary purpose but is a necessary component of the work. (For example, the work consists of the emergency removal of a valve which is covered with asbestos insulation.)

All employees performing this work must either have successfully completed an EPA approved asbestos supervisor's course or possess a current state asbestos removal license. They must also follow the procedures outlined in the Industrial Hygiene Directive dated July 27, 1988. Copies of this directive are available from Corporate Industrial Hygiene.

UNLISTED CONTRACTORS

If all of the above conditions are applicable but qualified company employees are not available, the facility may utilize a contractor who is not on the list of approved contractors, provided that the contractor:

1. has a demonstrated history of satisfactory experience in asbestos demolition, removal and repair project,
2. possesses all required licenses and certifications, and
3. completes and submits an Asbestos Demolition/Removal/Repair Work Plan Questionnaire prior to commencing work, describing how the work will be performed. Copies of this questionnaire are available from Corporate Industrial Hygiene.

To the greatest feasible extent, the contractor's work shall be monitored in accordance with the monitoring requirements set forth on pages 5 through 7.

- <1> An EPA "small scale, short duration job" involves any (a) pipe repair of friable asbestos of less than 20 linear feet, (b) repair and removal of friable panel of less than 10 square feet, (c) limited renovation projects of any amount of non-friable asbestos and (d) pipe valve repair or replacement taking less than four hours or involving less than 20 linear feet.

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AWARDING CONTRACTS

Contracts for asbestos demolition, removal or repair may be awarded only:

1. to Approved Asbestos Contractors,
2. if the contractor has submitted all of the required documentation with its proposal, and
3. if the contractor's proposal complies with the pre-award requirements discussed below.

Requests for proposals and selection of contractors are discussed below.

REQUESTS FOR PROPOSALS

Requests for proposals in connection with asbestos demolition, removal and repair projects may only be sent to Approved Asbestos Contractors. The scope of work must be included with the request for proposal and must clearly identify the type, amount and location of the asbestos and include any additional relevant information regarding the project.

The request for proposal must also include all applicable contract documents, including the additional asbestos abatement provisions which the Corporate Purchasing Department has distributed to purchasing managers and buyers. Any exceptions to these contract documents must be approved by the Law Department before contracts are awarded.

In addition, prospective contractors should be directed to identify all proposed subcontractors in their proposal and should be advised that they may utilize only subcontractors who are listed by Reynolds as Approved Asbestos Contractors.

Prospective contractors should also be directed to submit the following documentation with their proposals:

1. A completed Asbestos Demolition/Removal/Repair Contractor Performance Questionnaire. This questionnaire is available from Corporate Industrial Hygiene. If the contractor intends to use any subcontractors, each proposed subcontractor must also complete and return the questionnaire. Contractors and subcontractors must complete this questionnaire for each project they wish to be considered for regardless of their status as an Approved Asbestos Contractor.

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2. A completed Asbestos Demolition/Removal/Repair Contractor Work Plan Questionnaire describing how the work will be performed. Copies of this questionnaire are also available from Corporate Industrial Hygiene.
3. The contractor's detailed work plan for the project. This work plan is in addition to the information submitted on the Work Plan Questionnaire.
4. Copies of all required contractor and supervisor licenses for the contractor and each proposed subcontractor.
5. Documentation showing the training and qualifications of the individual(s) who will be collecting air samples for the project.
6. Documentation showing that the laboratory which will be used to analyze air samples is either EPA approved or AIHA certified.
7. If the contractor will be using a negative air filtration system, evidence that the contractor has obtained a license from GPAC, Inc., the holder of the patent on the filtered exhaust fans used to create negative air pressure.

SELECTING CONTRACTORS

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PRE-AWARD REVIEW - Before awarding a contract, the facility must carefully review the contractor's proposed work plan and its completed Work Plan Questionnaire to ensure that its work will comply with all applicable federal, state and local laws and regulations. Included in this requirement is compliance with EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) and the Occupational Safety and Health Administration's regulations pertaining to asbestos removal. The pre-award review must be performed either by a company employee who has successfully completed an EPA approved asbestos supervisor's course or by a previously approved outside consultant.

OUTSIDE CONSULTANTS - Corporate Industrial Hygiene will maintain a list of outside consultants who are approved to perform pre-award reviews and monitor contractor performance. This list will be supplied to Corporate Purchasing for distribution to facility purchasing representatives. Even though a consultant has been approved by Corporate Industrial Hygiene, there can be no business affiliation between a consultant and any prospective contractor.

OTHER APPROVALS - The facility must ensure that all approvals required by any other applicable procedures have been obtained.

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MONITORING CONTRACTOR PERFORMANCE

The facility where the work will be performed is responsible for monitoring the contractor's work to ensure:

1. it complies with all applicable federal, state and local laws and regulations, and
2. the approved work plan is being fully carried out.

The Monitor must be either a company employee who has successfully completed an EPA approved asbestos supervisor's course or a previously approved outside consultant as defined above.

When entering the contractor's work area, the Monitor must follow the same safety precautions as are required for the contractor's personnel.

FREQUENCY

The monitoring must start as soon as the contractor enters the work site and must continue until the final clearance air sampling has been successfully completed. It is imperative that the Monitor be at the work site and monitor the contractor's performance as frequently as the facility deems necessary to ensure that the contractor complies at all times with all applicable laws and regulations pertaining to asbestos removal.

If monitoring is not performed on a continuous basis, it must be performed at least once daily for "glove bag operations" and at least twice daily if there is a containment area. If the monitoring is not continuous, it should be performed at different times each day in order to limit the contractor's ability to predict when it will occur.

DAILY AUDIT REPORT

Each day, the Monitor must complete either the company's Asbestos Demolition/Removal/Repair Contractor Performance Audit Report or an alternative document previously approved by Corporate Industrial Hygiene. The Audit Report identifies the specific items and areas to be checked by the Monitor each day. Copies are available from Corporate Industrial Hygiene. Upon completion of the project, copies of all of the Monitor's project reports must be forwarded to Corporate Industrial Hygiene for permanent retention.

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"INDEPENDENT CONTRACTOR" RELATIONSHIP

In order not to jeopardize the "independent contractor" relationship between the contractor and the company, the Monitor shall not:

1. tell the contractor how to perform the work, or
2. exercise any control over the contractor's employees.

Except when immediate action or attention is imperative, the Monitor must direct all communications to either the contractor's project manager or its project representative.

IMPROPER WORK PRACTICES

The Monitor must immediately direct the contractor to stop any work practice or situation (such as a breach in a containment barrier, inadequate worker decontamination or a breakdown of the negative air machines) which could result in the release of asbestos fibers into the work place or environment. The Monitor should not permit the work to resume until the contractor has corrected the practice or situation. All such incidents must be documented in the Monitor's daily monitoring log.

WORKER CERTIFICATION

No individual (whether an employee of the contractor or any subcontractor) should be permitted to perform any work in connection with the project until the contractor submits documentation to the Monitor which:

1. documents that the individual has been medically examined within the last 12 months, and
2. indicates whether the examining physician detected a medical condition that would place the individual at an increased risk of health impairment from exposure to asbestos.

No individual who would be placed at an increased risk of health impairment from exposure to asbestos may perform any work in connection with the project until the contractor also submits to the Monitor:

1. evidence that the individual has been fit tested with negative pressure respirators within the last six months, and
2. a physician's written opinion that there are no limitations on the individual's use of respiratory protection.

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In addition, no individual should be permitted to perform work on the project until the contractor submits a copy of the individual's asbestos worker license. If the state in which the work is being performed does not require asbestos worker licenses, the contractor must submit evidence that the individual has successfully completed an EPA approved asbestos worker training course.

AIR SAMPLES

The Monitor must collect at least two area air samples each day--one at the entrance of the clean room and another at the exhaust of the negative air machines. If a regulated area has been established, the Monitor must collect at least one air sample daily at the boundary between the regulated area and the normal work area.

If any air sample reveals asbestos levels at or above 0.1 f/cc, the Monitor shall direct the contractor to stop the demolition, removal or repair work immediately. The Monitor shall not permit the work to resume until the contractor has modified the project work practices to reduce the asbestos air levels to less than 0.1 f/cc.

FINAL INSPECTION

After the asbestos demolition, removal or repair project (including final cleanup) has been completed, the Monitor must conduct a visual inspection of the work area. This inspection must take place before final clearance air sampling and must include entry into the work area to visually check for contamination on surfaces from which asbestos-containing material has been removed.

Additionally, the Monitor must inspect for any asbestos or asbestos-containing material which may have been "caught" on equipment or other surfaces.

Once the work area has passed the Monitor's visual inspection, the final clearance air sampling must be performed. The project will be deemed to be complete when aggressive air sampling shows airborne asbestos levels of 0.01 f/cc or less.

If there are any questions concerning the daily monitoring or final inspection, the Monitor should promptly consult with Corporate Industrial Hygiene.

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