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News

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DOLE ANNOUNCES \$2.7 MILLION IN FINES, COURT ACTIONS AND IMMINENT DANGER NOTICES TO PROTECT ASBESTOS WORKERS AT FRICTION DIVISION PRODUCTS, TRENTON, NEW JERSEY

Secretary of Labor Elizabeth Dole today announced an unprecedented four-part enforcement action against Friction Division Products, Inc., of Trenton, N.J., to protect the company's workers against the "imminent danger" of overexposures to asbestos that poses widely-known hazards to workers' health and lives.

Secretary Dole said the actions by the Labor Department's Occupational Safety and Health Administration (OSHA) are unprecedented in their application in combination to correct health hazards. The procedures are more typically used to correct safety hazards.

"The company has failed repeatedly to meet the requirements of OSHA's asbestos standard," Dole said. "The company, after being cited and promising to correct the violations OSHA found, broke its promises, didn't correct the hazards, and even allowed new violations to occur. In fact, the company has flagrantly violated almost every provision of the asbestos standard, in the process threatening the lives and health of its workers.

"Our inspections of this plant showed asbestos exposures of up to 15 times as high as we allow under our current standard."

Dole added that "we will simply not allow employers to endanger the health and lives of their employees in these ways."

"I am strongly committed to the tough enforcement of the Occupational Safety and Health Act and am sending a clear message that blatant disregard for employee health and safety will not be tolerated and will result in stringent enforcement," Dole added.

She explained that because of the company's recalcitrance, four actions are being taken:

- o Posting "imminent danger" notices in the plant informing (more)

the employer and employees that "a danger exists which could reasonably be expected to cause death or serious physical harm ... immediately" in the plant. The notices also notify the employer and employees that the courts have the power "to order the employer to take action to avoid, correct or remove the imminent danger conditions, including, where necessary, the removal of employees from the dangerous area." Three separate notices were posted today dealing with need for respirators and other personal protective equipment, appropriate hygiene and "housekeeping" practices designed to prevent the accumulation of hazardous substances. All three notices were posted both in English and Spanish because of the number of Hispanic employees in the company.

- o Seeking of a preliminary injunction from the U.S. District Court in Trenton that orders the employer to comply with the requirements of the imminent danger notices.

- o Issuance of a new citation today for 113 alleged violations and additional penalties for five previously cited violations of the asbestos standard, calling for speedy correction of the hazards and proposing penalties totaling \$2,726,800. This action relates to problems that continue even today.

- o Seeking summary enforcement action from the U.S. Court of Appeals for the Third Circuit, Philadelphia, for previously cited violations. Essentially, this action requests the court to enforce the prior citations issued to the company.

Acting Assistant Secretary of Labor Alan C. McMillan, who heads OSHA said, "Our inspections of this plant showed that employees were allowed to work without proper respirators and wore street clothing laden with asbestos dust. We also found numerous instances of thick coatings of asbestos dust throughout the plant."

Exposures to asbestos can cause asbestosis (scarring of the lungs resulting in loss of lung function that often progresses to disability and even death); mesothelioma (cancer affecting the membranes lining the lungs and abdomen); lung cancer; and cancer of the esophagus, stomach, colon, and rectum.

At OSHA's request, the National Institute for Occupational Safety and Health (NIOSH) has agreed to make available in the Trenton area an occupational health physician who can counsel and provide guidance to Friction Division Products employees who are concerned about the effects of their overexposures to asbestos.

Friction Division Products, which has 158 employees,

(more)

manufactures asbestos and semi-metallic brake shoes for autos and trucks.

Willful violations are defined as those where the employer knew, or could have known with the exercise of reasonable diligence, of the existence of the violation and did nothing to correct it.

The company has 15 working days to contest the OSHA citations issued today before the Occupational Safety and Health Review Commission. The Commission, which is not part of the Labor Department, adjudicates employer contests of OSHA enforcement actions.

The time for the company's response to the two court actions to be filed next week will be set by those courts.

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NOTE TO EDITORS: Attached are two fact sheets which summarize the previous OSHA enforcement history with Friction Division Products and summarize the violations and penalties involved in today's citations.

FRICTION DIVISION PRODUCTS, INC.
Trenton, N.J.
OSHA INSPECTION HISTORY

4/18/83 Company owned by Thiokol, Inc. Complaint inspection. No citations. OSHA asbestos permissible exposure limit (PEL) for asbestos (8-hour, time-weighted average) was 2.0 fibers per cubic centimeter (standard lowered in 1986 to 0.2) of air (f/cc). Levels at company averaged 0.44 f/cc.

8/31/84 Now owned by Friction Division. No violations found. Levels at company averaged 1.33 f/cc.

1984 International Chemical Workers Union requests National Institute for Occupational Safety and Health (NIOSH) Health Hazard Evaluation (HHE).

1986 New Jersey Department of Health conducts HHE on contract for NIOSH. Asbestos exposure levels found ranged up to 1.56 f/cc. The company is told that it would be out of compliance with most provisions of the new OSHA asbestos standard going into effect in October, and that a significant risk of asbestos-related disease exists at the plant. Recommendations are made to improve plant conditions.

10/86 New OSHA asbestos standard goes into effect, lowering PEL from 2.0 f/cc to 0.2 f/cc.

1/28/87 Complaint inspection initiated. Company asbestos levels found up to 3.55 f/cc.

8/12/87 Company cited for 26 instances of overexposing employees to asbestos, as well as several other provisions of the asbestos standard.

8/28/87 Company signs settlement agreement; abatement dates and penalties are modified.

1/6/88 Followup inspection initiated. Company asbestos levels found up to 1.74 f/cc.

5/26/88 Company cited for failing to abate 11 instances of overexposure, as well as other violations for which the company had not taken corrective action.

6/21/88 Company signs settlement agreement; penalties reduced, abatement dates changed. Abatement dates established for engineering controls.

- 1/3/89 Monitoring visit finds little has changed in engineering controls. Petition for modification of abatement denied for 60-day engineering control extension. Other abatement measures not evident. OSHA decides to do full followup inspection.
- 2/6/89 OSHA initiates followup inspection.

**FRICTION DIVISION PRODUCTS
CITATION SUMMARY**

<u>Alleged Willful Violations</u>	<u>Proposed Penalties</u>
Exposure to asbestos in excess of permissible exposure limits	\$135,000
Failure to comply with air monitoring requirements	82,000
Failure to institute engineering and work practice controls	234,000
Inadequate respiratory protection program	39,000
Failure to provide or ensure the use of appropriate protective clothing	152,000
Failure to require employees working in asbestos areas to shower at the end of the work shift	216,100
Failure to comply with the requirements regarding lunchroom facilities	26,000
Inadequate warning signs and employee training	18,000
Inadequate housekeeping practices	27,000
Inadequate medical surveillance practices	30,300
Inadequate recordkeeping practices	31,000
<u>Total Proposed Penalty</u>	<u>\$990,400</u>

<u>Alleged Notices of Failure to Abate</u>	<u>Proposed Penalties</u>
Failure to correct previously noted conditions of:	
exposure to asbestos in excess of permissible exposure limits	\$208,000
inadequate respiratory protection program	767,000
inadequate housekeeping	760,000
<u>Total Proposed Penalty</u>	<u>1,735,000</u>

<u>Alleged Serious Safety Violations</u>	<u>Proposed Penalties</u>
2 violations involving electrical equipment	1,400
<u>Total Proposed Penalty</u>	<u>1,400</u>
<u>Alleged Other Than Serious Violations</u>	<u>Proposed Penalties</u>
4 violations involving recordkeeping	0
<u>Total All Proposed Penalties</u>	<u>2,726,800</u>

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