

FILE NAME: Allied Signal Bendix (ASB)

DATE: 1972 Mar 13

DOC#: ASB081

DOCUMENT DESCRIPTION: Memo RE Third Visit by OSHA

Internal
Memorandum



Friction Materials
Division

Date March 13, 1972

Letter No.

Cleveland, Tennessee

To C. N. Menz

From John Riopelle

Subject Third Visit by OSHA to FMD - Tennessee

PLAINTIFF'S
EXHIBIT

767

On 3/10/72 we received our third visit from OSHA out of Nashville, Tennessee, in the person of Mr. David Roberts - Industrial Hygienist. You have my 2/10/72 and 2/14/72 letters to you covering their first visit, plus my 3/7/72 letter to OSHA related to their first and second visits. Attached hereto is a copy of Houston Smith's 3/3/72 note to me explicitly covering the second visit.

1. Mr. Roberts visit was prompted by another anonymous employee complaint, stating that the receiving dock ramp and railroad box car floors get wet and slick in inclement weather, and that the loading and unloading platforms do not meet standards. OSHA standards 1910.22 paragraph 2 and 1910.30 paragraphs 2,4,5 are those claimed to be violated. After completing his investigation Mr. Roberts told us that the complaint would probably be denied since we, in his opinion, conformed to standards.

We asked to be advised in writing of OSHA's denial of this complaint; and of the denial of the first employee complaint. Mr. Roberts said that this is not an OSHA procedure but that we might get a reply to a letter of inquiry against the status of the complaints. We believe it would be well to submit such a letter in order to, hopefully, close the file on these two incidences.

2. Mr. Roberts told us that we would not be cited for the lack of an overhead guard on the Receiving Department lift truck. Thus, the need for a thirty day extension to correct this alleged violation has been precluded; and we merely need to advise OSHA, in writing, when the guard has been received and installed.
3. We were also advised of the results of the noise level and airborne contaminant tests made during OSHA's 2/11/72 visit. Unfortunately, Mr. Roberts did not have the actual results with him. This was a disappointment since we had requested results of all of his tests, regardless of whether they were in or out of specifications. He again advised that their procedures did not include such a report.

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but promised to phone me this week and supply the answers. Citations for the following alleged violations are expected.

- a.) Block briquette press asbestos. Per volume 36, No. 235 of the Federal Register, paragraph 1910.93a (Asbestos Dust), we exceed the "5 fibers per milliliter" specification. Mr. Roberts tests showed 10 fibers per milliliter concentration on the 8 hour time - weighted basis.
- b.) Cut-off saw at compression mold line - over 90 decibels.
- c.) Sandblast booth - over 90 decibels.
- d.) Block width cut saw - over 90 decibels.
- e.) Passenger car lining grinder - over 90 decibels.
- f.) Mix room hammermill - over 90 decibels.

In spite of the fact that Mr. Roberts report includes a statement that the operators involved in items b) through f) were wearing ear protection devices, we expect a citation. Per Mr. Roberts, the use of ear protective devices is, at best, a temporary corrective action.

As agreed upon with you on 3/10/72 we told Mr. Roberts that each of the non-conforming items would take up to eight months to correct. This timing is based upon 8 weeks design time, 16 weeks delivery, 4-6 weeks installation time, and 4 weeks evaluation time.

In closing, Mr. Roberts expressed a personal opinion that it would be to our advantage to eliminate dry sweeping operations in our plant, and go across-the-board with something like vacuum cleaners.

JR:few

cc: J. W. Armstrong
R. Blair
R. Burton
E. Eads
F. Jeansonne
D. Stone
H. White ✓

enclosures

F. H. Smith

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U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
1600 Hayes Street - Suite 302
Nashville, Tennessee 37203

CSHO NO.	OSHA 1 NO.
R-6053	1
AREA	REGION
1760	4

OSHA-2A

CITATION FOR SERIOUS VIOLATION*

Citation Number 1 of 1 Date Issued March 14, 1972
EMPLOYER Friction Materials Division, Bendix Corporation
(Street Michigan Avenue Road)
ADDRESS ((City Cleveland State Tennessee Zip 37311)

An inspection of a workplace under your ownership, operation, or control located at Michigan Avenue Road, Cleveland, Tennessee and described as follows:
Manufacture of Brake Linings
has been conducted. On the basis of the inspection it is alleged that you have violated the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, in the following respects:

Standard or regulation allegedly violated	Description of alleged violation	Date on which alleged violation must be corrected
29 CFR 1910.93a (a) and (b)	Employees exposed to asbestos dust in excess of five fibers per milliliter without use of appropriate engineering methods of control. (Example of such exposure was the operator of machine 15-2.)	November 1, 1972

Area Director's Signature Eugene E. Light

The issuance of a 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 Occupational Safety and Health Review Commission.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of violation is unreasonable has the right to contest such time for correction by filing a notice with the U.S. Department of Labor at the address shown above within 15 working days of the date this citation was issued.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Sec. 11 (c)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651.

The law requires that a copy of the enclosed citation(s) "shall be prominently posted" in a conspicuous place "at or near each place a violation referred to in the citation occurred." It must remain posted until all violations cited therein are corrected, or for 15 working days, whichever period is longer.

* A serious violation, according to the Act "shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation." Sec. 17(k).

