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Interoffice Memorandum

NOVEMBER 4, 1981

FROM: W. R. CARTER, TECHNICAL MANAGER, PROJECT ENGINEERING

TO: R. R. ERICKSON, SUPERINTENDENT HEALTH & SAFETY

SUBJECT: CONTRACTOR RESPIRATORY PROTECTION PROGRAM

PLAINTIFF'S EXHIBIT
SH-565

At our last Project Engineering Team Meeting, your draft guidelines for subject program were discussed at considerable length. We welcome the opportunity to submit our comments prior to formal implementation.

Our presumption is that the primary purpose of this guideline is to outline requirements for contractor work in a given area on an activity where a known hazard will exist during his performance of the task assigned; and not directed to the protection of personnel from the very infrequent gas-escape type exposure.

In other words, we take it to be the intent of this program to provide for personnel protection during conduct of normal activities, and not an emergency reaction plan.

As such, we offer the following for your further consideration:

I.a. The term "contractor" here at DPMC covers both in-plant and outside entities. They are involved in varying degrees in - a) new construction b) revamps/modifications, c) maintenance, d) shutdowns, e) customer service/testing, etc., f) specialty areas, and g) numerous so-called purchase order services contractors.

b. This department utilizes numerous outside contractors in carrying out our project functions, as well as with the several in-plant contractors. We feel that your guidelines should address requirements for each of these contractor types under separate and distinct sections. This would add clarity, and give recognition that some notable differences exist among those organizations.

1. Their activities are conducted over a wide geographic area--from remote/grass roots installations to intimate proximity to sophisticated operating units;
2. The hazard risk to which they may be exposed varies from nil to extreme--with regard to chemical properties inherent in some of our products;
3. On the other hand, they may be exposed to near-zero risk from any given product--yet be faced with a very high hazard potential due to their own particular activity.

II.a. Specialist Contractors (e.g., Painters, Sandblasters, Lead Burners, Tank Cleaners, Insulators, etc.) are among those whose very business performance presumes their furnishing the necessary equipment to conduct such specialty assignments.

WRONG

b. Also, inherent in that specialist designation is the presumption that a high degree of expertise exists among their personnel, and that most certainly must include intimate knowledge of protective equipment and its operation.

yes - until we're sued

c. In the instances where one or more of these specialist contractors is to be involved in a construction project, we believe that necessary equipment and personnel training are the clear responsibility of the contractor. (We do agree, however, that site monitoring, training record checks, and similar surveillance activities may be warranted. These, of course, should be conducted by qualified Safety Department inspectors.)

who generally don't use respirators

d. By far the bulk of our projects are installed using general contractors, who in turn may sub-contract out various portions of a job to others who specialize in one or more particular phases. This latter group covers a wide scope including the various building trades, excavation, rigging and erection, piping installation, machinery mounting..etc., etc., etc.,-- and may well include several of the specialists discussed above.

e. In this discussion, we are distinguishing between specialists and general contractors (and subs) only to the extent that the former group has a far greater degree of intimacy with the use of protective respiratory equipment than does the latter. It comes as a part of their activity.

III.a. We unanimously agree with your policy statement that..."Construction contractors will not normally be required to use respirators to install new facilities." and that..."In the event of a chemical release, the proper response for these contractors is evacuation to a safe area." (In our view, this also makes present facial hair policy redundant, particularly in respect to its applicability to outside contractor personnel. We also understand that policy is now under review by DPMC and Head Office, for possible future revision.)

correct

They lost the point

b. That being the case, we see little justification for respirator training, fit testing, record monitoring or equipment issue in the vast proportion of our jobs using outside contractors. It would obviously add to the cost of a project; but the administration, lost time and accounting for such costs would be unduly burdensome from out point of view.

yes.

IV.a. It seems clear to us, that determining the need for respiratory protective equipment is the most critical issue to be considered in all of this.

incorrect assumption

1. If that need is to be based on the contractor's activity, then the determination is relatively straightforward. (And the specialist contractor will be prepared without Shell's direct involvement in his business.)
2. On the other hand, if that need is based on the specific requirements of a given operating area, due to particular product hazards--whether existing or potential--then that is a different ball game entirely.

They have to call us

b. Operations, together with Health & Safety, must set the protective equipment criteria. Those requirements must then be identified early, as part of a project's definition, and they must be specific.

c. Once the requirements are defined, the decision becomes one of economics as well as safety. Whether Shell should furnish such items as escape masks (or goggles, or rubber boots, etc.) might well depend on whether we increase or decrease our relative legal position as compared to if we do not.

DRAFT

d. In Project Engineering we are as concerned with all aspects of contractor safety as anyone. Additionally, as project administrators we do not want protective equipment requirements to become unnecessarily stringent. That leads to construction inefficienceis, and makes us spend more time "policing" a project than managing it.

e. The necessary safety requirements are part of our project expectations, and we welcome that aspect in the conduct of a safe and efficient job.

V. In summary, the guidelines should recognize the differences between contractors, both in-plant and outside. Proximity to hazard must be considered; and whether that hazard is inherent in the activity, or is related to product potential. We see the most crucial aspect of this program as one of timely and specific definition of the need. Once that is done, managing our construction efforts can proceed with minimal problems.

D. L. Champeon

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