

PLAINTIFF'S
EXHIBIT

K-960

BWD

Attached are chrono
notes on Ex-Shell
contacts on OSHA
asbestos regulations

Pertinent addresses
are on the last
two pages

Regards

(4)

2/14/73

G. DERICKSON

ABS-027412

OSHA ASBESTOS REGULATIONS
CONTACTS BY G. DENICION
JUNE - DECEMBER 1972

- 6-28-72 DOSH-SEC Conference on Asbestos at Head Office. General discussions of asbestos criteria and impact on Shell and its contractors. Discussed problems associated with compliance and cost additions resulting therefrom, and developed general plan wherein G.D. would contact representative outside sources (manufacturers, contractors, trade associations, OSHA and labor spokesmen, and other industrial users). Several subsequent meetings were held with S.E.C. staff and with the council, wherein G.D. reported on the concern of others over the fragility and short supply of asbestos-free materials. Will not detail these "in house" meetings as information readily available.
- 7-6-72 New Orleans. Met with J. P. Poche, Vice President, Anco Insulations (New Orleans, Baton Rouge, Mobile, Tampa). Jim discussed Anco's interest in an affiliation with Southwestern Insulation Contractor's Association and New Orleans Master Insulator's Association. He pointed out that SWICA had no affiliation with the National Insulation Contractor's Association (NICA) although the two did exchange information, but no line relationship. SWICA had kept members informed on the developing asbestos regulations. Poche had attended SWICA meetings and had heard Selikoff speak on asbestos hazards. The New Orleans Master Insulator's Association is primarily a labor relations

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(Cont'd)

affiliation of New Orleans Insulation Contractors - bargaining etc., however, this organization had requested their attorney to give them an interpretation of the OSHA Asbestos Regulations as well as his recommendations regarding depth of compliance (months later the attorney was still wrestling with the problem). Poche said Anco had not changed any basic practices except to improve housekeeping and use care in mixing asbestos mortar and disposal of waste materials. Have for many years furnished employees with breathing devices, which the employees consistently refuse to use.

Poche expressed concern over number of clients who were deluding themselves by specifying "asbestos-free" insulation; as of this date such materials were very flimsy and in short supply - particularly if all industrial were specified "asbestos-free" materials. He was thinking in terms of Fibco and Caraytemp. In short, he said Anco would be happy to handle any construction or maintenance work that Shell might have on a "business as usual" basis.

Several contacts with Poche followed. Essentially same report. Late in the year Anco liquidated their New Orleans operation. Poche then joined Branton Insulations - New Orleans. See attached letter dated 11-22-72.

7-12-72

New York. Met with John Vyverberg, Staff Vice President, Owens Corning Fiberglass, for three hours. He was most interested in talking as we were the only major user of insulating materials who had expressed concern over and reasonable familiarity

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(Cont'd)

with the OSHA Asbestos Regulations. He had prepared for me the recommendations of the National Insul. Mfg. Association (NIMA) and the National Insul. Contr. Association (NICA) on the handling of asbestos containing materials. They were, in effect, interpretations of the OSHA regulations and if followed literally would substantially increase costs to user. Vyverberg said OCF had been working for many years on development of an asbestos-free Kaylo using glass fibers as binder in lieu of asbestos. However, had not developed comparable resilience properties to "low asbestos materials". He expressed the hope that Shell would not be too hasty in scuttling low asbestos materials. He speculated that we had many insecticides, agricultural chemicals and other chemicals that we felt were being prematurely condemned, etc., etc. Vyverberg suggested I contact Warren K. Watters, President, Reilly-Benton Insulation Company - New Orleans, upon my return. He said Watters was the most knowledgeable person, ex OCF research department, that he knew on the general subject. Said Watters better informed than OCF representative in the area.

The contact with Vyverberg was most interesting. It had been arranged by D. B. Luckenbill who shared a committee assignment with Vyverberg on the Roger Blough Construction Users Anti-Inflation Round Table.

7-20-72

Met with Gerald O'Brien, Business Manager, New Orleans and Baton Rouge Asbestos Workers Union Locals AFL-CIO. Have known

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(Cont'd)

O'Brien for many years through construction contacts at Norco. Talked about business in general and then got down to cases on OSHA Asbestos Regulations. He was not enthusiastic about the regulations, to say the least. Said if Shell had any maintenance work, could assure me there would be no problems resulting from the OSHA regulations. O'Brien subsequently sent me many issues of the Asbestos Workers International house organ. Had one brief visit with O'Brien in the fall. He has been made International Vice President on maintenance contracts in southeastern states.

7-21-72

Followed up on Vyverberg suggestion and arranged three-hour conference with W. E. Watters of Reilly-Benton Insulation Company. Reilly-Benton Insulation Company are large insulation materials jobbers based in New Orleans and have a substantial contracting subsidiary. They have furnished material to Shell and done considerable sub-contracting to Shell's prime contractors, but have done relatively little in the way of direct contracting with the Company - based on competitive bids. They represent a number of insulation manufacturers. Watters was impressive. He had done all of his home work on the OSHA Asbestos Regulations. He again urged that we not get carried away with the "asbestos-free" materials at this time. He had cleaned up his warehouse and shop which did much saving of special shapes of pipe covering. He also repeated that the qualities of the asbestos-free substitutes for "low-asbestos" left much to be desired, both as to brittleness and renewability.

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(Cont'd)

where inspections were required, any on piping, etc. He had put in many exhaust fans over these sews and had maintained a dust particle level lower than OSHA requirements as measured by a Climet particle counter (Data on this NASA "clean-room" instrument has been sent to DOSH previously). Raily-Benton will do dust particle counts for any client on a fee basis. Raily-Benton contract department is operating on much the same basis as Anco, i.e., no basic charges - no physicals - improved housekeeping on job site - care in handling and disposing of waste materials.

I kept in periodic contact with Hesters throughout remainder of the year. No changes in his practices.

9-21-72
10-11-72
11-14-72

John K. Parsons, Area Administrator, OSHA, New Orleans.
Discussed Asbestos Regulations with Parsons on three separate occasions. He emphasized that his office was directing its attention to manufacturers of asbestos products, marine shipment of bulk asbestos and asbestos lagging of marine boilers where work is carried on in very confined quarters. Stated that NIOSH labs at Salt Lake City, Utah, had an impossible backlog of asbestos fibre samples. Parsons referred me to the Climet particle counter. Said he construed the use of the Climet (or equal) to be evidence of good engineering control. He has repeatedly emphasized that evidence of good housekeeping was the biggest plus in any OSHA inspection.

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10-18-72 Talked to Vernie Lindstrom, Vice President, Kitchell Contractors, Phoenix, Arizona, who is in his second year as Chairman of the Associated General Contractors (AGC) Safety Committee, regarding AGC views on Asbestos Regulations. It was obvious that AGC had not come to grips with this problem. Lindstrom referred me to Keith Nystrom, Assistant Manager, Safety, Brown and Root, Houston who was head of AGC Safety Committee Engineering Task Force. Contacted Nystrom, who seemed knowledgeable and concerned over asbestos regulations under OSHA. Said Brown and Root doing major job for DuPont in South Carolina, and that DuPont ^{now} requiring them to follow NICA recommendations which to him seemed a very costly procedure. Wanted to come over to New Orleans for discussions on November 3.

10-18-72 Talked at some length with Carl J. Shillcutt, Executive Secretary, Southwestern Insulation Contractors Association, Houston, P. O. Box 55548, Zip 77055, Phone 464-4692. He explained that there are seven regional associations, the largest being in Chicago area. These regional groups have no formal ties with each other nor with NICA, but they do exchange information and there is nothing to restrict an individual member firm from belonging to the other regional groups and NICA. Shillcutt expressed grave concern over the cost affect of the OSHA regulations. He was interested in what Shell was doing and I invited his contact with SEC and DOSM.

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7

10-28-72 Attended meeting of ad hoc NICA task force on OSHA at
 Johns-Manville, Head Office, Denver. This meeting reported
 on separately by Dave Atwood of DOSH.
 Shall present results of Wood River monitoring asbestos
 jobs.
 Most significant matter to me was meeting and setting up
 future discussions with ^J S. Royer, President, Young Sales
 Company, St. Louis, Missouri, who is Chairman of the NICA
 OSHA Commission.

11-3-72 K. Nystrom of Brown and Root and J. C. Rabuck, Corporate
 Manager, Safety, Gulf Oil Company, met in my office. Reviewed
 Denver meeting NICA on 10-28-72 and summarized results of
 our Wood River monitoring. Rabuck "thought" Gulf had obtained
 somewhat higher readings at Port Arthur. Would recheck data
 and advise. Gulf's samples were evaluated at their XAP Lab
 in Pittsburgh. I invited Rabuck and Nystrom to cooperate
 in Round Robin on asbestos samples and directed them to work
 with Howard Kusnetz in Houston. Both Nystrom and Rabuck felt
 that a rush to asbestos-free materials was undesirable at this
 time. They agreed no first-class substitute available at
 present.

11-17-72 Refer to my memo of 11-17-72 to B.K.M. with carbon copy to
 B.W.D. enclosing P&C file from J. S. Royer in which NICA
 was requesting of OSHA a delay - not a variance - on the
 monitoring and medical examination requirements. B.W.D.

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11-17-72
(Cont'd)

has pursued this matter from his OSHA contacts in Washington and I will not comment further on this.

12-1-72

Met with J. S. Royer, Chairman, NICA OSHA Commission. He verified that the President of the Asbestos Workers Union had recently addressed a NICA meeting at the Greenbrier wherein he publicly stated the Union would not permit their members to take the medical exam. Royer was hopeful the request for delay would be granted by OSHA, but had no word as of this date.

12-1-72

Met with Russell L. Miller, Safety Director, and Frank Emmert, Contracts Manager of Monsanto Chem., St. Louis. Was surprised that they did not seem more deeply involved in OSHA and particularly asbestos. Miller did say they had no objection to the medical examinations as they gave so many now on a routine basis. Perhaps their Department of Industrial Hygiene is closer to the situation than the Safety section. Invited their participation on exchange of asbestos monitoring via Kuspats.

12-20-72

Talked to George Cahler, President Cahler Insulations, New Orleans, also President Water Insulator's Association of New Orleans. He is very much concerned about quality of "asbestos-free" materials. Said OCF had been on verge of a breakthrough in a few months for the past twenty years.

ABS-027420

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November 22, 1972

Shell Oil Company
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Personal and Confidential: Mr. Gayden Darickson

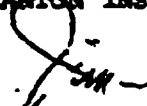
Dear Gayden,

Well, the vacation is over and I'm settled down and here is where I am located.

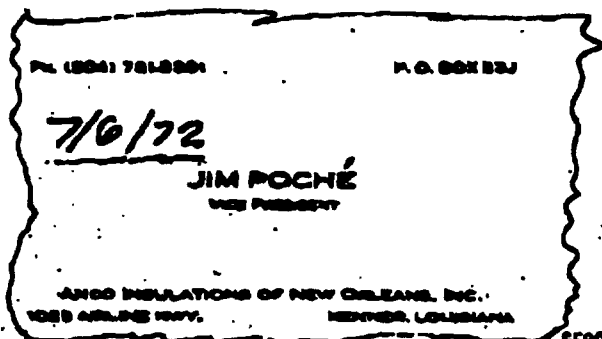
As soon as I settle down and get my thinking and planning organized, I will contact you and perhaps we can have lunch together.

Sincerely,

BRANTON INSULATIONS, INC.


James N. Poche, Jr.

JNP:jra



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