

**PLAINTIFF'S
EXHIBIT**

CAP-169

Cement Asbestos Products Company

Ragland, Alabama

May 21, 1975

TO: A. E. Alpine

FROM: J. R. Carpenter

**SUBJECT: Report of Initial Contact by Representatives of
the Occupational Safety and Health Administration,
U. S. Department of Labor.**

The purpose of this report is to inform you of my visits yesterday and today by Mr. Ron D. Eimer and Mr. Jim Wilson, Representatives of OSHA, U. S. Department of Labor.

The reason for their visit was the result of an official complaint filed by one of our employees. A copy of the complaint is enclosed as Enclosure No. 1.

For the record, in addition to myself, CAPCO was represented during these visits by Jim Wright, Mr. Bobby Jackson, General Safety Engineer, ASARCO, Inc., and Mr. Gerald Fox, Industrial Hygienist, Van Buren Plant.

As background data leading to the complaint, on March 7, 1975, we were visited by Mr. Rex Beckstead, Director, Department of Safety and Technical Employment of ASARCO, Inc. After reviewing our respiratory protective equipment, he informed us that our 3M disposable respirator was not NIOSH approved for protection from asbestos fibers as we had been told and recommended we replace it with the Welsh Model 7165. These were obtained and put into use the following day. Mr. Beckstead pointed out that although the Model 7165 was a single use-disposable respirator they were very sturdily constructed and with proper precautions could be reused by an individual. Also, upon examination of the container of each Model 7165, it was noted that in the manufacturing instructions for use as well as part of the Bureau of Mines Seal it was recommended to discard and replace the respirator should it become damaged or breathing resistance become excessive.

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As the unit price for the Model 7165 was considerably more than the 3M respirator, Jim Wright began a study with his own Model 7165 to determine a reasonable life expectancy of this particular mask. As the filter portion is constructed in layers, he was able to examine the penetration of the discoloration in relation to use. It was also discussed and decided that if our personnel were to reuse these respirators, we should provide them with the wherewithall to sanitize the area of the mask that contacts the face. The necessary items were purchased along with a cabinet and placed in a centralized location, clearly marked "Respirator Cleaning Station". A note to all supervisors was drafted March 25, 1975, outlining the reasons for the sanitizing program. A copy of this note is included as Enclosure No. 2. Additionally, the following day, sanitizing instructions were posted on the plant bulletin board. (See Enclosure No. 3.)

On April 1, 1975, a notice was posted to the effect that the determined life expectancy of the new respirator was four weeks if properly cared for. (See Enclosure No. 4.)

Before their arrival, the OSHA Representatives were furnished only with the official complaint and a copy of Enclosure No. 4 which was dated April 1, 1975. From the information supplied them they had assumed we were asking our employees to clean the filter portion of a disposable respirator by some method. One of their thoughts was they were cleaning them by blowing air through them and thereby dispelling asbestos fibers into the air again.

After a lengthy discussion of the facts as described above, Mr. Eimer still was not convinced that our program was sound and decided he would have to confer with the Area Director, Mr. Larry Wyatt, about the advisability of reusing the Model 7165 regardless of our sanitizing procedure.

At this point they asked to review our records as required by OSHA concerning accidents, pre-employment physical examinations, and also our file on Asbestos Dust Counts. All of our records were "up-to-date" and Mr. Eimer was very complimentary.

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While reviewing our Asbestos Dust Count Record, I was asked if we had any areas that were above the acceptable limits. I informed them we have one area (Batch Area) that is above the five fiber limit and proceeded to describe our program for protecting our employees who work in this area. Following this discussion Mr. Eimer and Mr. Wilson ask to see the batch area to take pictures for their records. During the examination of batch area, I discussed in detail our new dust collection system. They took pictures of our baghouse and hoods on rework saw and finishing line lathe and remarks were very favorable.

On their return this morning they informed me that Mr. Wyatt had been unable to give them a definite opinion concerning our use of the Model 7165. He had in turn placed a call to the Regional Manager in Atlanta for his opinion but had been unable to reach him this morning. Mr. Eimer is to contact me by phone as quickly as they have a definite reply.

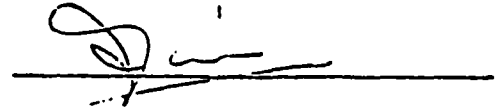
At this time, Mr. Eimer ask to have a private conversation with one of the union representatives. I called in Mr. James McGuffie, President of Local 457 of our plant and all CAPCO Representatives left the room. After conferring with James McGuffie for about one-half hour, Mr. Eimer came out and informed me that Mr. McGuffie had expressed concern about the opened conveyor belt which transports the fiber from storage silo to the weighing hopper above the turbopulper. He ask that we reinspect this area which I readily agreed to. While inspecting this area with them, I pointed out that the open conveyor belt was not the primary problem but the main problem area was the transfer points between the silo and the conveyor belt and the conveyor belt and the weighing hopper. I informed them that although we have no immediate plan to enclose this conveyor belt we have for sometime been working at improving the conditions in this area. I described as thoroughly as possible the changes made in the area of the fiber silo and also improvements made in the weighing hoppers of both fiber, cement and silica. Jim Wright informed Mr. Eimer that it had not been two weeks since he had discussed in detail with Mr. McGuffie his preliminary thoughts on enclosing this belt. We also told them

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that plans were already being formulated to convert this system to a dry mix which should completely eliminate this problem area.

After returning to my office, Mr. Eimer informed me that although he could not definitely say he did not feel there would be any citation. He did provide me with a copy of instructions and options open to me should there be any citation. A copy of this is included as Enclosure No. 5. A follow up report to follow upon receipt of any correspondence from Mr. Eimer.

A handwritten signature, possibly "D. Eimer", is written over a horizontal line.

Enclosure

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