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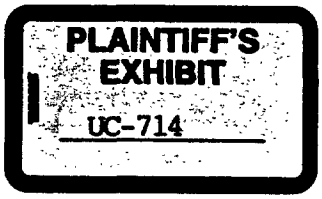



THE DISCOVERY COMPANY

Calidria ASBESTOS

UNION CARBIDE CORPORATION • MINING & METALS DIVISION • P.O. BOX 579 • NIAGARA FALLS, N. Y. 14302 • TEL: 716-278-3376

April 25, 1975

Mr. Ken Campbell
Montello, Inc.
P. O. Box 130
Sand Springs, OK 74063

Dear Ken:

A suggested modification of your proposed letter to Dallas OSHA is attached. It has been considerably softened and pursues the theme we discussed, i.e. we are presenting evidence which shows that asbestos levels are typically well below those requiring signs. Based on this evidence it is certainly prudent for them to monitor before citing in the future.

It gives them the opportunity to save face and be reasonable about this and other things if they so choose. He also lays the groundwork for a stronger approach in Washington if it becomes appropriate.

I am inclined to avoid the question of <u>where</u> signs really need to be on the assumption that signs will not be needed at all.

I like your summary but it didn't seem to fit. Feel free to work this over.

So far I have not sent this to Bill Thurber or our attorney. This can be done very quickly when we are together on the basic slant.

Regards,

H. B. Rhodes/ds

H. B. Rhodes
Technology Manager

Attachment
/ds

THE SUMMARY OF PROBLEM

Montello supplies a special asbestos to the drilling industry. Our business is being damaged by the issuing of citations, against users of our product, for non-posting of caution signs. We know of no case where the validity of the ~~These~~ citations ~~have~~ has ~~not~~ been substaintiated by monitoring to determine if excessive airborne fiber concentrations actually exist. They appear to depend on the "judgement of the compliance officer" based on "visual observation".

Specific cases that have occurred ~~[illegible]~~ since ____ are listed below:

Location	Inspection Date	Inspector	Action of Inspector	Action of ~~[illegible]~~ Inspector
A				
B				
C				

Note that the company identity has been shown by letter only and that compliance is being obtained by abandonment of our product. ~~[illegible]~~. We have encouraged these users to contest what we consider to be an improper citation but in all cases they not only do not want to contest but ~~also~~ do not even want their names mentioned in discussions with OSHA. They are extremely

reluctant to draw any attention to themselves in the fear of a punitative reinspection. We must state emphatically that we are not suggesting that this fear is valid but present it as a very real reason why the citations were not contested by the normal prescribed procedures.

Faced with this situation, the advice and assistance of Mr. J.T. Knopp, the Tulsa OSHA area Director was sought. A copy of our February 27, 1975 letter to him is attached as Exhibit I. His response of March 26, 1975 is attached as Exhibit II.

We feel that Item "a" of Mr. Knopp's letter, particularly the phrase shown underlined below, bears directly on the present problem:

a. Caution signs are required where in the judgement of the compliance officer, based upon air sample results or visual observation, backed up with documentation that airborne concentrations of asbestos may be in excess of exposure limits.

The key words are "judgement": "backed up with documentation." We would like at this time to put on record the ~~attached~~ extensive evidence attached that the ~~effluent~~ ambient levels in the application considered here typically are well below the allowable limits. On the basis of this information we feel that it is inappropriate for the compliance officers to continue to cite or threaten to cite for the absence of warning signs based on visual observation unless such citations are backed up with appropriate monitoring.

ASBESTOS DRILLING MUD APPLICATIONS

Montello has been a small distributor of specialty drilling fluid additives since 1957. One of our products is a unique, high density asbestos which is manufactured for us by Union Carbide Corporation at King City, California.

On the drilling rig, asbestos usage is very sporadic. It is added to the drilling fluid through a mud hopper or large funnel. Venturi action of the fluid rushing through the bottom of this hopper creates a suction which pulls the dry product into the liquid stream. Additions typically occur no more often than once per shift. The amounts added are small, rarely exceeding 500 lbs. at a time. With three eight-hour shifts per day and 8 to 10 men per shift, assignments are exchanged frequently and the same worker rarely performs the job of adding materials for more than a few shifts. And then only for a small part of each shift. Dumping rates on asbestos are slow, averaging an hour or so for 500 lbs. When dumping, the worker cuts the end of the 50 lb. bag and allows the material to fall into the suction end of the hopper, where the product becomes part of the liquid drilling fluid seconds later. Totally enclosed mixing areas are rare with the hopper itself generally being located in the open.

Since the regulations governing the use of asbestos became law in July, 1972, Union Carbide and Montello have joined in carrying out periodic field monitoring tests on rigs where our product was being used. As a result, we have accumulated airborne asbestos fiber counts from a wide range of drill sites. We have appended a number of these reports for your consideration. A brief recap of the results follows.

(Plan to recap and append the four 1972 tests; the Cactus #16 and Cedco #37 tests from Michigan; and the three Woodward tests.)

This history of readings, which are far below the regulated TLV of ten fibers and the TWA of five fibers, leads us to believe that there is no reasonable expectation of excessive airborne concentrations when using our product. In the present context, we believe that this field experience supports the contention that monitoring on location should be the only documentation for issuance of citations for non-posting of caution signs. Clearly it is far superior to visual surveillance in terms of accuracy.

In the more than 2 1/2 years since the asbestos regulations became law, we have no knowledge of any citation having been issued, based on corroborating monitoring data to show the existence of excess airborne fiber concentrations. In fact, where such tests have been run by compliance officers, no basis has been found for citation. In September of 1974, a compliance officer for the state of Utah carried on field monitoring tests at one of our customer's locations. ~~Results~~ Analysis of these tests resulted in a ruling of "In Compliance". A copy of the form is attached. In addition, we understand that one or more monitoring tests have been run in the state of Oklahoma, and that no counts in excess of the allowable limits provided in the regulations were found. We know of no other instances where monitoring by compliance officers has been undertaken in the drilling industry.

EXHIBIT I

CAT

February 27, 1975

Mr. Jim Knorpp, Area Director
Occupational Safety & Health Administration
Room 512, Petroleum Club Bldg.
420 South Boulder
Tulsa, Oklahoma 74103

Dear Mr. Knorpp:

Enclosed are two copies of the case mentioned in our discussions yesterday and today. Thank you very much for taking the time to talk with us.

Of course the working environment in this case is quite different from that of a drilling rig. However the salient point seem to us to be the fact that a citation for non-display of caution signs (among other things), was vacated, on the basis of unsatisfactory monitoring. In the matter of the west Texas citations for non-display of caution signs, there was no monitoring done at all.

We suggest that the operative wording in the regulations covering caution signs, relates to where these signs must be physically posted. To quote, "Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers". It seems to us that monitoring must be carried on in order to determine just where those areas of excessive airborne concentration exist.

Thank you again for talking with us. Please feel free to send a copy of this letter along with your recommendations to the Regional Office, if you wish. We'll look forward to hearing from you when their response is received.

Sincerely,

MONTELLO, INC.

Kenneth N. Campbell

KNC/wj

Enc. (2)

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
ROOM 512, PETROLEUM BUILDING
420 SOUTH BOULDER STREET
TULSA, OKLAHOMA 74103

March 26, 1975

Mr. Ken Campbell
Montello, Inc.
P.O. Box 130
Sand Springs, Oklahoma 74063

RE: Asbestos - 29 CFR 1910.93(a)(g)(1)(i)

Dear Mr. Campbell:

The following information is provided regarding your inquiry and to confirm our telephone conversation of March 24, 1975.

a. Caution signs are required where in the judgement of the compliance officer, based upon air sample results or visual observation, backed up with documentation that airborne concentrations of asbestos may be in excess of exposure limits.

b. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers. These signs are required where airborne concentrations of asbestos exceed exposure limits.

It is hoped that this information will assist in providing a safe and healthful workplace and complying with applicable standards.

Sincerely,

J. T. KNORPP
Area Director

JTK/bl