



INTERNAL CORRESPONDENCE

PLAINTIFF'S
EXHIBIT
GP-314c

MINING AND METALS DIVISION

P. O. BOX 579, NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. W. C. Thurber
Division Mining and Metals
Location New York, NY

Date

July 27, 1973

Originating Dept.

"Calidria" Asbestos - Marketing

Answering letter date

Subject

OSHA Citation

Copy to

Enclosed is a copy of the Subject issued to Georgia-Pacific Corporation, Akron, New York, for which they were fined a total of \$3000. I will send a copy to all personnel without identifying Georgia-Pacific, as this should be considered confidential information.

Georgia-Pacific personnel, including counsel, attended a hearing in New York City but did not contest the citation. Since they did not contest, OSHA advised them that they could not see the dust monitoring results. Therefore, they do not know where specific improvements are needed.

There seem to be several areas where OSHA demands clearly exceed legal requirements. Based on our field experience, EPA, OSHA and state authorities are making it common practice to do this and tend to create an aura of harassment or unfounded fear for our customers. Have we received any satisfactory response on the EPA letter from Atlanta, for instance; and should we make some high-level waves via AIA or direct? It can only get worse if there are no complaints.

Following are some specific comments (with my thanks to H. B. Rhodes for his participation):

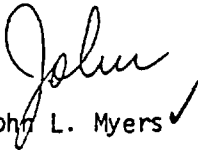
Citation Item 1. The regulations do not specify clothing to prevent skin contact. We know of no deleterious effect of skin contact with asbestos. The most obvious reason for clothing changes is to minimize the transfer of asbestos dust to non-occupational areas.

Posting of Citation - The asbestos regulations do not require posting of citation but are very specific on employee notification if he has been exposed to excess concentrations. Without data Georgia-Pacific does not know which employees to notify or where to take corrective action. Perhaps posting of the citation is required by the original Occupational Safety and Health Act of 1970.

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Multi-Step Abatement - Items 3 through 7 are required to become permanent controls. It is assumed that Georgia-Pacific will install dust control equipment and take other engineering and administrative steps to reduce airborne dust to acceptable levels. Except for Item 5, it is clear in the regulations that the other items are not required unless dust levels are or are reasonably expected to exceed the prescribed levels. It seems that the prescribed abatement procedures exceed the legal requirements. This recalls one comment on the OSHA regulations: "You cannot exceed the threshold limit values - but, if you do, you must do this and this, etc. ---"

There is no question in our minds or in Georgia-Pacific's that the Akron plant is dirty and deserved citation. We are working closely with them on dust monitoring and possible control measures, including the use of pellets.


John L. Myers ✓

Enclosure
/ds