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[Fwd: Palmer--Hennesey materials]

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Fri, Jan 15, 2010 at 4:49 PM

To: Albert Donnay <adonnay@jhu.edu>

AMMCO -- if I have not created a file on them, then this is the file, the e-mail as well as the attachments.

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Barry:

Herewith are the materials on Hennesey. Just a brief overview:

1. 1923 - AMMCO Tools founded. (Mountz 2/8/00 p. 130).
2. 1949 -- Application for arc grinder patent filed. May 5, 1953 patent for arc grinder issued. Refers to machine and says "A suitable suction hood may be provided in a manner well understood in the art to dispose of the grinder dust." Patent No. 2637145 p. 8, ll. 25-27. (Not clear if this is AMMCO).(Source: U.S. Patent Office).
3. 1950 -- AMMCO patent application filed. Issued Aug. 23, 1955. Patent No. 2,715,799. "it is usually necessary to dress down a new lining so that the radius of curvature is the same as that of the brake drum with which the brake shoe is to be used..." P1, ll.17-18. Contains exhaust outlet to "dust-imperious but porous dust collecting bag." P. 3, ll. 63-74. "[P]rovides convenient means for forming a bevel on each end of the brake shoe lining..." p. 10, ll. 59-74. (Source: U.S. Patent Office).
4. 1953 -- AMMCO patent application filed. Issued Feb. 14, 1956. Patent No. 2,734,319. Dust collection mechanism is discussed on p. 4 at ll. 44-64. Bevel feature discussion begins p. 13, l. 44. (Source: U.S. Patent Office).
5. 1956 -- AMMCO patent application filed. Issued January 21, 1958. Patent No. 2,820,331. Discussion of dust collection p. 4, ll. 2-5. (Source: U.S. Patent Office).

6. Unsure when first manufactured an arcing machine. (Mountz 2/8/00 p. 130). First documents Mountz has seen show manufacturing in the early 1950s. (Mountz 2/8/00 p. 70, 130). Later changes at statement of counsel to 1958. (Mountz 2/8/00 p. 130).

7. 1967 – Model 8000 “Safe Arc” Operating Instructions. Only “CAUTION” related to dust is unspecific assertion that “Taking too heavy cuts will slow down the motor. This will drastically reduce dust collection efficiency.” There is no explanation as to why this could potentially cause problems to the user, a deficiency pointed out in the 1978 report of NATLSCO. (Mountz 2/8/00 Exhibit U).

8. 1969 – Model 8000 “Safe Arc” Operating Instruction revision. Still has same, weak, “caution” from 1967 version. (Mountz 2/8/00 Exhibit W).

9. 1969 AMMCO publishes “HOW to do the COMPLETE DISC AND DRUM brake job: a step by step illustrated manual to make the job easy.” (Mountz 2/8/00 p. 122-23 referring Exhibit Y, pages H0149 – H0166). Manual contains several references to cleaning the drum backing plates with wire brushes to remove dust. Recommends grinding all shoes for drums that get turned and buying oversized linings to allow grinding.

10. 1971 – AMMCO publishes “HOW TO GRIND A BRAKE SHOE”. (Mountz 2/8/00 p. 117-119 referring to Bates H0138-0141, Exhibit V) (Copy marked as Exhibit V does not have date. Copy marked at other deposition of Mountz has date on last page which appears to be 1971).

11. 1973 Tests

a. January 30, 1973 – Appears to be first tests ever performed. Unclear what dust collection system is being used here as several are referenced. Many of their grinders had no “system.” Fiber levels are quite high and assume immediate return to – 0 – dust after the three minute sample, which is unrealistic assumption. They make no attempt to calculate TWAs. (Mountz 2/8/00, Exhibit F).

b. June 5, 1973 – Tests with 8925 Dust Collector. Conclusion is that proper use of properly installed system will keep dust levels below OSHA standards in place at the time. Samples show between 2.2 and 3.6 f/cc although it is unclear over what time the sample reading is being reported. All samples are said to be 2-3 minutes long based on flow rate of 2.0 liter/minute and samples of 6, 6 & 4 liters. “Time” notation on count sheet appears to reflect 15 minute time for count. “Results” column reflects 2.2 for result on both a 6 liter and a 4 liter sample, so it is probably averaged over some time period.. (Mountz 2/8/00, Exhibit H1).

12. 1973 – AMMCO patent application filed for “dust collector.” Issued Dec. 10, 1974. Invention is magnetic bag holder. Section titled “Background of the Invention” details “a serious need for an efficient dust collector for use with grinding and other industrial machinery which produce or handle fine particulate materials.” Then discusses weaknesses of cloth bags historically used, particularly clogging. (Source: U.S. Patent Office)

13. 1973 – AMMCO patent application filed for “dust collector.” Issued April 15, 1975. Patent No. 3,877,900. This is the Model 8925 dust collection unit. “A serious problem with this prior art type of dust collector is that when the bag becomes filled with dust and/or the pores thereof become clogged with the dust particles, there is insufficient suction to remove the dust being produced and the motor of the dust collector becomes overloaded. Moreover, the dust particles are blown into the atmosphere. In fact, because of the inherent danger to the persons using this type of equipment, there are many localities which have banned the use of brake shoe grinding machinery which incorporates the prior art type of dust collector. Another problem associated with the prior art type of dust collector is that of disposing of the collected dust particles without permitting at least some of the dust to escape into the atmosphere.” P. 1, ll. 20-34. (Source: U.S. Patent Office).

14. 1973 – Dust Collector Model 8925 first manufactured (Mountz 2/8/00, Exhibit H1). Prior to 1973, dust collection was “just part of the unit”. (Mountz 2/8/00 p. 73-6). Prior to Model 8925, the bag for dust collection was “some type of cloth” (Mountz 2/8/00 p. 178).

15. 1973 – Advertisement from 1973 states “The AMMCO Model 8925 Dust Collection System provides a highly efficient means of collecting, containing and disposing of dangerous asbestos dust. The powerful suction fan built into each AMMCO Brake Shoe Grinder pulls dust from the surface of the brake shoe and deposits it in a sealable plastic bag.” Caution statement:

DO NOT attempt to operate the Brake Shoe Grinder
without a Disposal Bag in the Pail of the Dust Collector

BEFORE STARTING, always check to be certain the entire system is correctly assembled.

SEAL and REPLACE a Disposal Bag when it is half full. DO NOT empty and replace a Disposal Bag. DO NOT subject yourself or others to exposure to breathing asbestos dust. Read and understand the Disposal Bag replacement instructions on the Label of the Guard Assembly.

(Mountz 2/8/00, Exhibit O: Illustration 10/11).

16. 1977 – “Arbor Plug” installation instructions to help dust collection and prevent dust build-up. No caution regarding dangerous quality of the dust. No explanation as to why necessary in the safety sense. (Mountz 2/8/00, Exhibit X).

17. January 1978 Test – January Report (Mountz 2/8/00, Exhibit H2).

a. "Under conditions present" no excess of OSHA TWA if, and only if no other operations performed. These sections underlined in original report.

b. Distinguishes between "poorly maintained" and "well maintained" grinders/dust collection systems.

c. "A test was attempted with the collection system disconnected, but this was terminated when it became apparent that large amounts of dust and fibers would accumulate in the air when shoe grinding was done."

d. "Based on visual observations made during the aborted test during grinding with the Dust Collection System detached, it is advised that these brake shoe grinders always be employed with the use of such a System. Excessive airborne asbestos fiber levels could be generated in the absence of the dust collection system."

e. "Based on visual observation made during brake washing, it is advised that the outside of the wheel be wetted if possible before hitting it to dislodge corrosion around the brake cover. Considerable airborne suspended particulate was generated when the wheel brake covers were struck, before the inside was washed."

18. July 7, 1978 – NATLSCO "Product Safety Survey" – This is a very important document which addresses AMMCO's defense. (Mountz 2/8/00, Exhibit O).

19. 1985 – Nov. 1985 Publication 8818 – "Operating & Service Instructions" manual for various grinder models contains weak "Caution" regarding asbestos. most recommendations of the 1978 NATLSCO Report were either ignored or watered down (Mountz 2/8/00, Exhibit Z).

20. 1986 – October 2, 1986 test by NATLSCO shows PEL exceeded during all grinding operations. Until more engineering controls implemented, states that all employees must be required to wear approved respirators. Pans catching wetted material and cloths used to clean are all "contaminated" under OSHA. TWO calculations now include justification for remainder-of-day assumptions etc. Show 8 hr. TWA as .48 f/cc. (Mountz 2/8/00, Exhibit R).

21. 1986 – AMMCO stops manufacturing arc grinders because cannot meet OSHA, even with 8925 dust collection machine. (Mountz 2/8/00 p. 91)

1/15/2010

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14 attachments



Mountz Exhibit R, H0116-125.pdf
199K



Mountz Exhibit U, H0129-137.pdf
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