FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

RE: OSHA ASBESTOS STANDARD

We would like to call your attention to two decisions by the Occupational Safety and Health Review Commission, one dated July 18 and the other dated July 23, 1974. In effect, both of these decisions held that the employer was responsible for providing medical examinations for all employees exposed to asbestos. It should be noted that in both decisions the finding was based upon the existence of any exposure to asbestos fibers, regardless of the extent of exposure.

In view of these decisions, we would like to emphasize once more the requirements placed upon the company for medical surveillance as well as the surveillance of the work place. We would recommend that you refer back again to the Asbestos Standard to determine whether or not you are meeting all the requirements as regards medical and environmental surveillance.

B. D. DINMAN, M.D.

T. B. BONNEY

vmd

Attachment

cc: M. O. Colwell, M.D. - 29
R. H. Watson - 7
T. R. Gauthier - 12
V. W. Rieke - 2
J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

PLAINTIFF'S EXHIBIT AL-1377

409677 0331

ALCOA

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

The cases appear at ¶ 18,289 and 18,318.

[¶ 18,289] GAF Corporation

Digest of Judge's Decision dated July 18, 1974. OSHRC Docket No. 3203. Henry K. Osterman, Judge.

Airborne Asbestos Concentrations—Employee Exposure—Medical Examinations. A penalty of $40 was deemed appropriate for an employer's violation of § 1910.93a(j) through failure to provide medical examinations for its employees exposed to airborne concentrations of asbestos fibers. The Judge rejected the employer's contention that the standard requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels established by § 1910.93a(b). No such limitation is placed on the obligation to provide examinations; tests must be made available to employees receiving any exposure.

Back references: ¶ 6802.1; 6805.3.

Allan Sloan for the employer. Louis Weiner for the Secretary.

[¶ 18,318] GAF Corporation

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

409677 0332

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

RE: OSHA ASBESTOS STANDARD

We would like to call your attention to two decisions by the Occupational Safety and Health Review Commission, one dated July 18 and the other dated July 23, 1974. In effect, both of these decisions held that the employer was responsible for providing medical examinations for all employees exposed to asbestos. It should be noted that in both decisions the finding was based upon the existence of any exposure to asbestos fibers, regardless of the extent of exposure.

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

409677 0333

ALCOA

SF-4363 (REV. 11-68)

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

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Allan Sloan for the employer. Louis Weiner for the Secretary.

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

ALCOA

409677 0335

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

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Back references: ¶ 6802.1; 6805.3.

Allan Sloan for the employer. Louis Weiner for the Secretary.

[¶ 18,318] GAF Corporation

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

409677 0336

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

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We would like to call your attention to two decisions by the Occupational Safety and Health Review Commission, one dated July 18 and the other dated July 23, 1974. In effect, both of these decisions held that the employer was responsible for providing medical examinations for all employees exposed to asbestos. It should be noted that in both decisions the finding was based upon the existence of any exposure to asbestos fibers, regardless of the extent of exposure.

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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R. H. Watson - 7
T. R. Gauthier - 12
V. W. Rieke - 2
J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

409677 0337

ALCOA

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS

INDUSTRIAL HYGIENISTS

August 30, 1974

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

409677 0339

ALCOA

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

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Allan Sloan for the employer. Louis Weiner for the Secretary.

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

Attachment

cc: M. O. Colwell, M.D. - 29
R. H. Watson - 7
T. R. Gauthier - 12
V. W. Rieke - 2
J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

ALCOA

409677 0341

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

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Allan Sloan for the employer. Louis Weiner for the Secretary.

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

409677 0342

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

Attachment

cc: M. O. Colwell, M.D. - 29
R. H. Watson - 7
T. R. Gauthier - 12
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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

ALCOA

409677 0343

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

409677 0344

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS
INDUSTRIAL HYGIENISTS

August 30, 1974

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B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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cc: M. O. Colwell, M.D. - 29
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R. B. Kempton/Nancy William, Rea Magnet

ALCOA

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

409677 0346

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS

INDUSTRIAL HYGIENISTS

August 30, 1974

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T. B. BONNEY

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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

ALCOA

409677 0347

Medical Exams Required for Employees Exposed to Any Level of Asbestos

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Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS

INDUSTRIAL HYGIENISTS

August 30, 1974

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J. D. Breazeal - Davenport
G. H. Farrah/J. M. Plunkett, ATC
R. B. Kempton/Nancy William, Rea Magnet

ALCOA

409677 0349

Medical Exams Required for Employees Exposed to Any Level of Asbestos

In two separate cases, citations were affirmed for *GAF Corporation's* failure to provide medical examinations for its employees in occupations exposed to airborne concentrations of asbestos fibers. The Judges rejected the employer's contention that the standard cited requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels. No such limitation is placed on the obligation to provide examinations; tests must be made available for employees receiving any exposure.

The cases appear at ¶ 18,289 and 18,318.

[¶ 18,289] GAF Corporation

Digest of Judge's Decision dated July 18, 1974. OSHRC Docket No. 3203. Henry K. Osterman, Judge.

Airborne Asbestos Concentrations—Employee Exposure—Medical Examinations. A penalty of $40 was deemed appropriate for an employer's violation of § 1910.93a(j) through failure to provide medical examinations for its employees exposed to airborne concentrations of asbestos fibers. The Judge rejected the employer's contention that the standard requires medical examinations only for those employees exposed to concentrations reaching or exceeding the maximum permissible levels established by § 1910.93a(b). No such limitation is placed on the obligation to provide examinations; tests must be made available to employees receiving any exposure.

Back references: ¶ 6802.1; 6805.3.

Allan Sloan for the employer. Louis Weiner for the Secretary.

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Asbestos—Employees' Exposure—Medical Examinations—Threshold Values—Abatement. Ruling that employees were exposed on a regular basis to concentrations of asbestos dust and that the employer had not made medical examinations available to employees, a Judge found the employer had violated the requirements of § 1910.93a(j)(3). Although accepted testing methods were used to determine employee exposure to asbestos fibers longer than four microns for 8-hour daily shifts on an average of five days per week, it was noted that the standard requiring medical examinations makes no reference to a threshold value and is applicable to all employees exposed to asbestos airborne concentrations. The clear intent of the standard as adopted was to provide early detection of asbestos-related diseases which are statistically inevitable regardless of exposure limits. After considering the gravity of violation, size of business, good faith and prior history of violations a zero penalty was proposed. An abatement period of 120 days was also affirmed.

Back reference: ¶ 6805.3.

McNeill Stokes for the employer. Donald McCoy for the Secretary.

FROM B. D. DINMAN, M.D.
T. B. BONNEY
PITTSBURGH OFFICE

TO PLANT PHYSICIANS

INDUSTRIAL HYGIENISTS

August 30, 1974

RE: OSHA ASBESTOS STANDARD

We would like to call your attention to two decisions by the Occupational Safety and Health Review Commission, one dated July 18 and the other dated July 23, 1974. In effect, both of these decisions held that the employer was responsible for providing medical examinations for all employees exposed to asbestos. It should be noted that in both decisions the finding was based upon the existence of any exposure to asbestos fibers, regardless of the extent of exposure.

In view of these decisions, we would like to emphasize once more the requirements placed upon the company for medical surveillance as well as the surveillance of the work place. We would recommend that you refer back again to the Asbestos Standard to determine whether or not you are meeting all the requirements as regards medical and environmental surveillance.

B. D. DINMAN, M.D.

T. B. BONNEY

vmd

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409677 0356