FILE NAME: Westinghouse (WH)

DATE: 1976 Oct 20

DOC#: WH050

DOCUMENT DESCRIPTION: Memo RE Industrial Hygiene - Legal Statement, References Air Samples and OSHA Regs

Concur over Legal statement on (all) Corporate / H. sampling reports & duty to follow orders

jcp 76

IN RE: ASBESTOS November 1992

OCT 21 1985

NWBB-0037

From: Accident Prevention
WIN 236-2163
Date October 20, 1976
Subject: Industrial Hygiene - Legal Statement

To Mr. William H. Ziefel, Manager
Industrial Hygiene & Safety Gateway

cc: Mr. W. Bickerstaff, R&D 401 3x9
Mr. D. R. Hiestand, 4-G-15

We are now conducting air samples of employes whose work atmosphere contains airborne concentrations of asbestos. These samples are sent to Headquarters Industrial Hygiene Department for evaluation and when the results are transmitted back to East Pittsburgh, the correspondence contains a legal statement. The statement mentions that the Headquarters Industrial Hygiene employe is acting as an agent of the Law Department and that the survey is to be treated as a "Confidential Legal Document." (See copy of such correspondence and legal statement attached.)

The O.S.H.A. law now requires that air samples be taken and in some instances the results given to the employes. In other cases the employe questions the air in the work environment, air samples are taken and the employe requests the results of the survey.

The legal statement has appeared on all correspondence that we receive from Headquarters Industrial Hygiene, and I am told that if we allow the employes to review the correspondence, then the confidential status is legally deleted. In addition, the employes know the air samples or Industrial Hygiene surveys are performed, and if needed, they could possibly subpoena this information. We are mandated by law to furnish the results of the air samples to the employes and the results from Headquarters Industrial Hygiene are to be treated as a "Confidential Legal Document."

I would like to know (a) If you feel that Headquarters Industrial Hygiene should continue to use this legal statement on all correspondence (b) If it is continued to be used, how do we communicate with the employes and still maintain the legal status of the correspondence as a "Confidential Legal Document." This legal statement has concerned me for some time and I would like your assistance in this matter.

G. T. Brady, Manager
Accident Prevention

/ck
Attachment

PLAINTIFF'S EXHIBIT WH 403

FORM 3504X

IN THE AUTHOR'S FILE NOVEMBER 1982

HWBB-0037676

Westinghouse
Electric Corporation

Industrial Hygiene
Research and Development Center
Research Road
East Pittsburgh, Pennsylvania 15112
(412) 256 5441

October 15, 1976

EAST PITTSBURGH
Accident Prevention, 4G10
ATTN: G. T. Brady

Attached are the results of air samples taken at various locations on various dates by several people. Please note that one of the samples is just under the Federal (OSHA) limit of 2 fibers/milliliter; a previous sample (I.H. # 5101) of the same operation showed a result of 2.2. Note also that two of the samples had to be rejected; one because the sample had been tampered with, the other for excessive dust load.

Please advise the appropriate people of these results. If we may be of further assistance, please let us know.

John F. Adams, Industrial Hygiene Engineer
Corporate Industrial Hygiene Laboratory

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Attachment

LEGAL STATEMENT - Administering and assuring the compliance of Westinghouse's plants with the Occupational Safety and Health Act is a duty of the Westinghouse Headquarters Law Department and the Industrial Hygiene & Safety Department. To successfully complete this mission, plants must be inspected to determine their present status in relationship to said Act. As these inspections are routine and time-consuming tasks, they must, of necessity, be delegated to other individuals, as agents of the Law Department. Such persons are acting as agents of the Law Department; and therefore, the survey is to be treated as a CONFIDENTIAL LEGAL DOCUMENT.