

FILE NAME: Westinghouse (WH)

DATE: 1991 May 1

DOC#: WH074

DOCUMENT DESCRIPTION: Letter RE Employee Letter to OSHA About Health & Safety Issues at a Plant RE Asbestos Exposure & Lack of Training About Working with Asbestos

Department of Labor

Occupational Safety and Health Administration

Nashville Area Office
2002 Richard Jones Road
Suite C-205
Nashville, TN 37215



Reply to the Attention of:

May 1 1991

CONFIDENTIAL
WESTINGHOUSE
V. TVA

Westinghouse, Inc.
Steam Plant Road
Callatin, TN. 37066

Dear Terry Perkins:

On 4/15/91, the Occupational Safety and Health Administration (OSHA) received a notice of (safety and/or health) hazards at your worksite at:

Callatin TVA Steam Plant
Callatin, TN. 37066

The specific nature of the alleged hazards is as follows:

1. Employees have been exposed to asbestos during the break down of turbines beginning in November 1989. Requirements of CFR 1926.55 were not implemented, such as, but not limited to monitoring, personal protective equipment, engineering controls, medical surveillance, and training.
2. Employees have not been provided with information and training on the hazardous chemicals in their work area. Material Safety Data Sheets are not available. There is no written program and chemicals are not properly labeled.

We have not determined whether the hazards, as alleged, exist at your workplace; and we do not intend to conduct an inspection at this time. However, since allegations of violations have been made, you are requested to investigate the alleged conditions and make any necessary corrections or modifications. Within 10 days of your receipt of this letter, please advise me in writing of the results of your investigation. Please provide any supporting documentation of your findings, including any applicable measurements or monitoring results, and photographs which you believe would be helpful, as well as a description of any corrective action you have taken or are in the process of taking, including photographs of the corrected condition.

PROCESSED
ELECTRONICALLY
18/92

30029082

PLAINTIFF'S
EXHIBIT

WH-258

The complainant involved has been advised of this preliminary response to the complaint of hazards and has been furnished a copy of this letter. Section 11(a) of the Occupational Safety and Health Act of 1970 provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

This letter is not a citation or a notification of proposed penalty which, according to the OSH Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 12 calendar days or less indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

Please note, however, that OSHA selects for inspection a random sample of cases where we have received letters in which employers have indicated satisfactory corrective action. This policy has been established to ensure that employers have actually taken the action asserted in their letters.

Finally, any action taken by you in this matter will not automatically remove your workplace from the possibility of an unannounced inspection by duly authorized representatives of OSHA in accordance with routine scheduling procedures currently in effect.

In addition to its function of inspecting workplaces, the OSHA Area Office has been expanded to become a full service resource center, offering a wide range of safety and health related services in response to the needs of the working public, both employers and employees. These services include training and education, consultation, voluntary compliance programs and assistance in correcting hazards.

Your State offers OSHA consultation services, without charge, to assist you in resolving any occupational safety or health issue which you may face. To request the services, call or write your State consultation project at the following address:

Tennessee Department of Labor-OSHA
501 Union Building, Suite 302
Nashville, TN 37219 615-741-2733

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by all of your employees.

If you have any questions concerning this matter, please contact the Area Office at the address in the letterhead. Your personal support and interest in the safety and health of your employees is appreciated.

Respectfully,

Sharon Balluff

for
Cels M. Brown
Area Director

CONFIDENTIAL

30029083

Notice of Alleged Safety or Health Hazards

U.S. Department of Labor
Occupational Safety and Health Administration

1000 Case

5/3/91

1. Complaint Number

2. Employer Name

Westinghouse Electric Corporation

3. Site Location (Street, City, State, ZIP)

TVA Gallatin Steam Plant

4. Mailing Address (if different from Site, City, State, ZIP)

Steam Plant Road, Gallatin, TN 37066

5. Management Official

Terry Perkins, Project Manager

452-4023

6. Telephone Number 457-2202 ✓

7. Type of Business

Gas-Fired Turbine - Energy Production

8. Hazard Description. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard.

From November 3, 1990 through April 19, 1991, numerous workers of Millwright Local 1544, United Brotherhood of Millwrights, were assigned to work on disassembly of gas-fired turbines and overhaul four gas-fired turbine engines at the TVA Gallatin Steam Plant. The work was for Westinghouse Corp., the manufacturer and maintenance firm. During this job, despite requests for information, both TVA and Westinghouse concealed the fact that high concentrations of asbestos fibers were on pipe insulation and cloth over block insulation. 41,146 square feet of insulation ultimately were disposed of, according to the asbestos abatement report. TVA and Westinghouse exposed the workers to friable asbestos over a prolonged period by active concealment of the severe risk. No monitoring equipment, training, notice of risk, or hazard communication were provided. There were over 30 employees exposed to the risk at various times. See 29 CFR Sec 1926.58(k). The overhauling and rebuilding portion of the job is continuing. See enclosed documents regarding samples.

9. Hazard Location. Specify the particular building or site(s) where the alleged violation exists:

TVA Gallatin Steam Plant, gas-fired turbines, pipe insulation and cloth over block insulation.

Received From OSHA

5-30-91 - on site T. Perkins

PLAINTIFF'S
EXHIBIT
WH-259

OSHA-7 (Rev. 1/84)

From Jerry Brady - MC 640
WAN 439-3495
Date June 27, 1991
Subject TVA Gallatin

To Pat Conroy

We experienced an O.S.H.A. health and safety inspection at the Westinghouse TVA Gallatin project on July 23 and 24. We recently received citations resulting from the safety inspection and on June 27, we received the attached citations from the health inspection. Normally, the inspection is coordinated and you only receive one set of citations.

I have communicated the inspection information and citation to the Westinghouse Corporate Safety and Legal Departments. In addition, we arranged an informal conference with O.S.H.A. on July 2 to discuss the information. I will keep you informed.

5/3/91
G. T. Brady
Manager, Safety & Environmental
Power Generation Service Division

GTB/gg

Enclosure

cc: J. Gladfelter
D. Branton
L. E. [unclear]

439-125

30028492



U.S. Department of Labor
Occupational Safety and Health Administration
Citation and Notification of Penalty

U.S. Department of Labor
 Occupational Safety and Health Admin.
 2002 Richard Jones Rd., Suite C-205
 Nashville, TN 37215

Serious	01

The violations described in this Citation are alleged to have occurred on or about the day the inspection was made, unless otherwise indicated within the description given below.

3. Issuance Date 06/27/91	4. Inspection Number 017397324
5. Reporting ID 0120100	6. OSHA ID R5129
7. OSHA Area Office	8. Page No. 3

10. Inspection Period:

5/30/91 - 5/31/91

11. Inspection Site:

1499 Steam Plant Road
 Gallatin, TN 37066

9. To:

Westinghouse Electric Corp.
 and its successors
 500 W Madison, Suite 2500
 Chicago, IL 60606

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violations cited herein. The Citation must remain posted until the violations cited herein have been abated, or for 3 working days (excluding weekends and Federal holidays, whichever is longer).

The Citation describes violations of the Occupational Safety and Health Act of 1970. The descriptions of the violations are based on these violations. You must show the violations referred to in this Citation by the date stated herein and pay the penalties assessed within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty. You have a right to a hearing in the U.S. Department of Labor Area Office at the address shown above. (Note: The proposed hearing will follow your receipt and acknowledgment of this Citation in accordance with this form.) You are further notified that unless you, within the Area Director's Office, request that you wish to contest the citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Penalties of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is affirmed by the Review Commission.

12. Item Number

13. Standard, Regulation or Section of the Act Violated

14. Description

15. Date by Which Violation Shall Be Abated

16. Penalty

1

29 CFR 1926.56(f)(2)(1); Employer did not perform initial monitoring at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may have been exposed:

- a) Initial monitoring was not conducted at the initiation of the asbestos encapsulation operation on turbine units 1-3.
- b) Initial monitoring was not conducted at the initiation of the repair operation on turbine units 1-3 which contained asbestos.

07/03/91

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F. Area Director

Cora M. Brown

17. Date of Posting

NOTICE TO EMPLOYEES — The law gives an employee or its representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

TATION AND NOTIFICATION OF PENALTY

OSHA-309 (Rev. 1-88)

RECEIVED
 JUL 1 1991
 OSHA

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PRODUCED BY
 ELECTRIC
 3/18/92

RECEIVED
 JUL 1 1991
 OSHA

U.S. Department of Labor
 Occupational Safety and Health Administration

Citation and Notification of Penalty
 US Department of Labor

Occupational Safety and Health Admin.

2002 Richard Jones Bld., Suite C-205

Nashville, TN 37215

Serious	01

3. Inspection Date 06/27/91	4. Inspection Number 017897324
5. Reporting ID 0420100	6. OSHA ID 15120
7. Optional Report No.	8. Page No. 3

The violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

11. Inspection Site:

 1499 Steam Plant Road
 Gallatin, TN 37066

9. To:

 Westinghouse Electric Corp.
 and its successors
 500 W Madison, Suite 2500
 Chicago, IL 60604

THE LAW REQUIRES that a copy of this citation be placed immediately in a prominent place in the area of the violations cited below. The citation must remain posted until the violations cited below have been abated, or for 3 working days, whichever is longer, and Federal, State, and local laws, rules, and regulations, wherever applicable, are enforced.

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalties under this Act are based on these violations. You must abate the violations referred to in this citation by the date stated below and pay the penalties assessed. Penalties are assessed within 15 working days (including weekends and Federal holidays) from your receipt of this citation and penalty. You have a right of appeal to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities. It should be sent to you by the U.S. Department of Labor Area Office at the address shown above. You are further notified that when you inform the Area Director in writing that you intend to contest the citation or penalty, you must do so within 15 working days after receipt of this citation and the proposed penalties will become a civil matter of the U.S. District Court and Health, Education and Welfare Committee and may not be reviewed by any court or agency. Violation of this citation does not constitute a barrier to a violation of the Act and may result in a fine or penalty under the Act if a failure to comply is proven.

12. Item Number

12. Standard, Regulation or Section of the Act Violated

13. Description

14. Date by Which Violation Must Be Abated

15. Penalty

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

2a

29 CFR 1926.59(g)(1): Employer did not have a material safety data sheet for each hazardous chemical used in the workplace.

- a) Material Safety Data Sheets (MSDS) were not available for all hazardous chemicals on site, such as, oxygen, argon, acetylene, kerosene, 708 welding rod, and 309 welding wire.

07/10/91

1125.

7. Area Director

Charles Brown

16. Last Page

NOTICE TO EMPLOYEES - The law gives an employee or its representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (including weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER RIGHTS AND RESPONSIBILITIES - The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

CITATION AND NOTIFICATION OF PENALTY

OSHA 309 (Rev. 8-88)

 RECEIVED
 JUL 10 1991
 U.S. DEPT. OF LABOR
 OSHA

30028494

 PRODUCED BY THE
 ELECTRIC BUREAU
 3/18/92

 RECEIVED
 JUL 10 1991
 U.S. DEPT. OF LABOR
 OSHA

U.S. Department of Labor
Occupational Safety and Health Administration
Citation and Notification of Penalty

U.S. Department of Labor
 Occupational Safety and Health Admin.
 2002 Richard Jones Rd., Suite C-205
 Nashville, TN 37215

Other	OS
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The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Source Date 06/27/91	4. Inspection Number 017297234
5. Reporting By OSHA/00	6. OSHA ID 95129
7. General Inspection No.	8. Trip No. 2

9. Inspection Date
6/20/91 - 6/31/91

11. Inspection Site:

1499 Stearns Plant Road
 Gallatin, TN 37066

9. To:

Westinghouse Electric Corp.
 and its successors
 500 V Madison, Suite 2000
 Chicago, IL 60605

THE LAW REQUIRES that a copy of this Citation be served immediately to a responsible person at the place of the violation(s) cited herein. The Citation must remain posted until the violation(s) cited herein have been abated, or for 30 days, whichever is longer, and Federal holidays, unless otherwise stated.

This Citation describes violation(s) of the Occupational Safety and Health Act of 1970. The violation(s) cited herein are based on facts observed. You must state the violation(s) referred to in this Citation by the exact words shown and say the applicable provision(s) of the Act with 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and provide a copy of a response to OSHA, U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet explaining your rights and responsibilities, and OSHA's policy on citation and penalty in conjunction with this notice.) You are further notified that unless you return the Area Director's office with your response, a citation will be issued in conjunction with this notice. You are further notified that the citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is abated by the Review Commission.

12. Item Number
13. Standard, Regulation or Section of the Act Violated
14. Description
15. Date by Which Violation Must Be Abated
16. Penalty

1.

29 CFR 1926.56(h)(3)(i): Where respiratory protection was used, employer did not institute a respirator program in accordance with 29 CFR 1910.134(b), (d), (e), and (f):

a) MSA Com'e II respirator used in the encapsulating operation was not stored in the bathroom in such a manner that the respirator was kept clean and sanitary.

07/08/91

0.0

2.

29 CFR 1926.59(a)(1)(ii): The written hazard communication program did not include a complete list of the hazardous chemicals known to be present using an identifying term is referenced on the appropriate material safety data sheet.

a) The written hazard communication program did not include a list of hazardous chemicals present at the site.

07/10/91

0.0

17. Area Director

Colin M. Brown

18. Last Page

NOTICE TO EMPLOYEES - The law gives an employee or its representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

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RECEIVED
 JUL 1 1991
 OSHA

30028496

PROHIBITED BY THE
 U.S. DEPARTMENT OF LABOR
 OCCUPATIONAL SAFETY AND HEALTH
 ACT OF 1970
 18192

