

November 1992

TIN RE: ALPRAIMS

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



OCT 21 1976

W 2
HWRB-0037

Handwritten signature: J. E. P. N.

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 employees 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 employee 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 employees. In other cases the employee questions the air in the work environment, air samples are taken and the employee 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 employees to review the correspondence, then the confidential status is legally deleted. In addition, the employees 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 employees 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 employees 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.

Handwritten signature: G. T. Brady
G. T. Brady, Manager
Accident Prevention

/ck
Attachment



IN RE: ALBRAMS November 1992

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Westinghouse
Electric Corporation

Headquarters and Industrial Hygiene
No. 1000 and Development Center

1000 River
Pittsburgh, Pennsylvania 15205
412 256 5941

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.

W486-0837676