

REPORT SERIES

on OSHA

B R squared Inc.

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november 27, 1972

"Safety on the Job Becomes a Major Job for Management" is the title of a feature article in the November issue of "Fortune".

The validity of this premise has been established: now management of American business must find ways to mount an efficient effort at manageable cost.

Business in the USA no longer has the luxury of setting its own pace in solving on-the-job safety and health problems. The Occupational Safety and Health Act changed that.

Industries facing the most difficult problems have found solutions: all management can learn from their examples.

"Report Series on OSHA" presents the problems and the solutions for examination.

Up to the present time most management has had to contend only with on-the-job safety, but the asbestos industry has, in addition, the serious problem of an occupational health hazard. In fact, the health hazard through exposure to asbestos dust is considered so serious that it has become the first permanent standard involving a health hazard to be promulgated by the Occupational Safety and Health Administration.

When the hazard of asbestos dust is discussed, the asbestos plant that most often enters the discussion is Johns-Manville's Manville, New Jersey plant.

JM'S Manville plant . . . can it meet all of the OSHA standards and still operate profitably?

The bull's-eye in the target for critics of American industry's occupational health record has been the Johns-Manville plant at Manville, New Jersey. Here at this plant, one of the oldest and largest asbestos processing plants in the USA, the significant incidence of diseases connected to exposure to asbestos dust was first spotlighted. Since these diseases appear ten to twenty years after exposure, corrective measures

taken today, or even those started ten years ago, cannot be judged as effective for certain for many more years to come. And so the argument as to whether enough is being done will continue.

During the month of November, at least two symposia on asbestos related diseases were held. The press release for the American Industrial Hygiene Association meeting on asbestos related diseases states "The meeting may become one of a controversial nature."

Meanwhile, asbestos processing at Manville continues on a best effort basis. This is not to say that all plants in the entire industry are also making a best effort.

Since 1961, complete records of dust and asbestos fiber samplings have been kept for the three operating divisions that comprise the Manville plant:

In 1969, the asbestos fiber count from 101 of a total of 397 stations was over the then JM standard TLV of 6 fibers per cubic centimeters.

In 1972 to date, the asbestos fiber count from 7 of 306 stations exceeded the OSHA standards of 5 fibers per cubic centimeter.

The program to reduce total dust and airborne asbestos fibers started at least ten years ago. The written and photographic records at Manville of these improvements over the years show how thorough and complete the change has been.

The dust collection equipment, originally installed had to be improved and upgraded year after year to meet ever more stringent JM standards. (At the imposition of the emergency asbestos standards by OSHA in December 1971, JM's own standards were comparable.)

Processes were improved and the handling of asbestos was changed from burlap bags opened in the room to sealed paper containers opened in an enclosed part of the processing machine.

The Report is concerned with all activities, private and public, relating to the Occupational Safety and Health Act, including such related activities as those of the National Institute for Occupational Safety and Health and the Bureau of Radiological Health, and safety and health activities of trade and technical groups. The Report is biweekly, published 24 times a year, subscription price is \$45.00.

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Not only has the asbestos textile operation itself been simplified, but at each machine dust, suppressant is applied to the yarn to prevent fibers from detaching.

Respirators are used at any and all stations where the monitoring of the fiber count in the air determines that the OSHA standard of 5 fibers per cubic centimeter has been exceeded. These areas requiring respirators are marked by lines on the floor and posted. Even maintenance personnel entering the marked area for short periods must wear respirators.

Plant housekeeping is scheduled, controlled, and constantly checked. The mandatory procedures have become habit with all employees, and the responsibility for maintenance of standard practices lies with each plant manager. Corporate auditors for housekeeping pay unannounced visits to all JM plants such as Manville. Areas not passing prescribed practices are photographed by the auditors. The pictures are presented to the plant manager, who, within a prescribed period of about one week, must send a picture of the same area to corporate headquarters showing that the condition has been rectified. These are not just instructions written in a manual; they are conditions that can be viewed any day in any part of the Manville plant.

Manville is a plant with 2200 employees, with training and organization so well set up that no more than two dozen men are required full time for safety and environmental control. If you ask anyone at the plant why this is so, the answer is that it is everyone's job from the top down.

Safety is so integrated with environmental control for health that it is difficult to separate them. Ask when the safety program started at Manville and the answer comes back "Before any employee here can remember." For the year 1971, three out of four manufacturing units at Manville had frequency rate of disabling injuries as low as the industries rated best by the National Safety Council. One of the four units did not have a good record for 1971. The overall disabling injury rate for the seventy-odd JM plants for the last ten-year period has steadily declined with the exception of 1971 and is among the best in manufacturing industries.

If it were not for the fact that asbestos dust, in the last five years, has become recognized as a deadly health hazard, Manville might have been touted as a model plant. An environmental control program started at Manville in 1955 with one of the first trial hygiene laboratories in any American plant, and has been progressing steadily toward correcting the health hazard conditions of dust, noise, and toxic substances before most other industries started such activities. If so much progress had not been made toward correcting the health hazard conditions over a period of many years, this plant might today have been shut down. It is ironic that this plant was the one where so many employees worked in the past

under conditions that lead to the discovery of the deadly nature of the material they were processing presumably for the benefit of man.

For those with less sentiment, who ask the question "Can American industry afford the occupational safety and health standards that the 1970 Act demands?" the answer seems also to be provided by JM's Manville plant. It is operating at a profit.

JM's Manville Plant . . . the record as the Union sees it

Organized labor, which fought hard for the passage of the 1970 Act, then worked equally hard for the "creation of a strong and effective permanent enforcement standard on asbestos under the Occupational Safety and Health Act to protect workers who are exposed to asbestos fiber dust."

Much of the Union's story of the Manville Plant was obtained in an interview with Robert Klinger, Vice President of Local 800, United Papermakers and Paperworkers. Bob Klinger is alert, knowledgeable, and impressive as representative of the Union. He started in 1959 in the Manville Plant as a machine operator in the pipe mill and has been a VP of the Local for three years, spending full time now on Union business. He participated in a presentation to the press by the Industrial Union Department, AFL/CIO on March 14, 1972, prior to the public hearings, on the permanent asbestos standard.

Until 1967, Local 800 did not receive much information from Johns-Manville concerning the relation of asbestos to the health of Manville Plant employees. According to the Union, the Public Health Service studied the Manville Plant in 1965. The results of this study were sent to the Company and to the State of New Jersey, but not to Local 800. A union request for an inspection in 1966 by the State of New Jersey produced no results because the State lacked up-to-date air sampling equipment.

As far as Local 800 is concerned, progress toward cooperation by Johns-Manville started in 1967 when, at the insistence of the Union, workers were told the results of their company medical examinations. Also in 1967, there was the October 12 letter to Marshall Smith, then President of the Local, from Dr. Maxwell Borow which pointed to 18 cases of mesothelioma in the area, possibly due to asbestos exposure. Dr. Borow stated in his letter that he had requested some financial aid toward preparing an exhibit to call the dangers of asbestos exposure to the attention of the medical profession. His letter states that he was turned down by Johns-Manville.

Bob Klinger recounted without rancor certain incidences where Local 800 was turned down by JM in its efforts to obtain cooperation toward recognition of the health hazard and the elimination of the causes. Certainly by today's standards, JM did make errors in judgement in its relations with its union.

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Bob Klinger credits Marshall Smith with continuous effort, beginning in the early sixties, to educate the union members to the danger and to obtain action from the Manville Plant. In answer to a question, Bob Klinger said that he himself learned of the danger of asbestos dust about 1965 and even then treated the information with a certain amount of disbelief.

There was a strike in 1970 when the contract between JM and Local 800 ended. A hard-fought issue, although not the only one, was Union insistence on joint participation in the "elimination and control of objectionable environmental conditions at the Manville Plant."

The new labor agreement, dated January 21, 1971, established a Union/Management Environmental Control Committee. Both sides now feel this Committee brings about quick action on such environmental problems.

The way that Local 800 and the Manville Plant handle safety and health related activities has obviously built up a great deal of good will between the parties involved. Payment of wages by JM to hourly employees while they are engaged in safety and health activities passes without notice at Manville. This arrangement should not pass without notice at other companies.

Speaking from his own evaluation, but cognizant of his position as a Union official, Bob Klinger feels that conditions are well on the way to the point where he can say with confidence to a new employee that conditions at the Manville Plant are healthy as well as safe.

The Asbestos Information Association . . . It gives information and answers for an industry with a health hazard problem

Recognition of the problems that would be forthcoming from the passage of the Occupational Safety and Health Act of 1970 coincided with the formation in December 1970 of the Asbestos Information Association/North America.

Today the Association, comprised of nineteen Corporate Members, is an outstanding example of how an industry information association can function. AIA provides authoritative information on the effects of asbestos on health and how the health hazard can be controlled.

In general, the AIA has six areas of activity:

- Publication of a manual by the end of 1972 containing engineering and other data to assist in compliance with the OSHA asbestos standard.
- Conducting seminars on problems of asbestos related to OSHA, in four geographical areas of the USA for customers of member companies.

• Publication of a booklet "What You Need to Know about Asbestos" for employees of companies using asbestos in manufacturing and construction to serve as an employee safety and health guide.

• Maintaining contact with the Occupational Safety and Health Administration to discuss problems relating to asbestos and to obtain interpretation of standards.

• Assembling general information about the industry for members, government, and all industry.

The Executive Secretary of the Association is Matthew Swetonic, a man who can and does provide the facts and straightforward answers to questions about the health effects of asbestos.

The Asbestos Information Association is located at 22 East 40th Street, New York, N.Y. 10016.

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Some generalized conclusions about the asbestos industry's experience 4½ months after the permanent standards went into effect . . . The source is Matthew Swetonic, Executive Secretary, Asbestos Information Association . . .

- Most operations were not as far from the 5 fiber per cubic centimeter standard as was believed at first.
- The 5 fiber limit has been met by most operations without excessive economic drain.
- Based on the experience of a few plants, the 2 fiber limit is obtainable within the three years allowed, but it is still a problem and is expected to be costly.
- The loss of business through switch from asbestos to other materials is not yet significant.
- All manufacturers using asbestos in their products can handle asbestos in compliance with OSHA standards using known methods and technology.

OSHA . . . what's done and what's doing

A one-month (August 1972) OSHA inspection breakdown:

- about half of the total inspections, 1356, were of manufacturing establishments.
- 365 were follow-up inspections resulting in citations for eleven employers for failure to abate previously cited violations, with proposed fines of \$12,630.
- 557 employee complaints were received by OSHA.
- 108 cases were contested to the Occupational Safety and Health Review Commission.

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Revised Part 1910 - Occupational Safety and Health Standards, which appeared in the October

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18, 1972 Federal Register, should now be available at Regional or Area OSHA offices. This revision contains amendments through September 22, 1972 and covers the many changes and corrections of typographical errors since Part 1910 was published on May 29, 1972. The revised Part 1910 contains an index for 29 CFR 1910 Occupational Safety and Health Standards. Free single copies should be available now at OSHA's 72 field offices.

Those interested in an OSHA Subscription Service in five volumes (volumes also available individually) providing all the standards, interpretations, regulations, and procedures starting in 1973 can get applications at OSHA field offices.

OSHA is developing a 100-hour home study course aimed at "recognition, avoidance, and prevention of unsafe and unhealthy working conditions" to be available in the spring of 1973 . . . for details, write Office of Training and Education, Occupational Safety and Health Administration, 400 First Street, N.W., Washington, D.C. 20210.

OSAHRC . . . It wisely considers potential harm to both employees and employers

The gravity of a job safety violation in terms of its potential harm to employees must be considered in assessing monetary penalties even in non-serious cases.

The three-man Review Commission, in unanimously affirming the decision of one of its judges, stated that " . . . the assessment of small monetary penalties for non-serious violations having the level of gravity of the violations found in this case effectuates the purpose of the Act. Penalties of this caliber serve to remind all employers that their primary responsibility under the Act is adherence to its protective mechanisms. Failure to impose penalties relating to violations with higher levels of gravity serve only to restrain the Act's effective operation and hinder its function to reduce hazards of the workplace for all employees."

OSHA had cited the Hydrexwift Corporation of Salt Lake City for alleged violations found during a job safety inspection. These were failure to provide railings for stairways and open mezzanines for storage of acetone in open containers, for failure to keep fire sprinkler heads free from deposits, and for nine instances of failure to ground power tools. The Department did not propose any penalties for the eight other non-serious violations. The company argued that, while it was in violation of all the standards listed on the Labor Department citation, it had

abated the violations, and that all of them were of such a minor nature that no penalty was warranted.

Review Commission Judge Allen M. Wienman, to whom the case was assigned, sustained the penalty proposals because, he ruled, risk of injury by falling, fire, or electrical shock was a very real possibility (OSAHRC Docket No. 591).

In the case of one employer, the Review Commission ruled that the size of the business and its poor financial condition were of overriding importance.

Review Commission Judge Joseph L. Chalk had already dismissed a proposed penalty of \$165 against Colonial Craft Reproductions Inc. on the basis of previous Review Commission decisions regarding the value of relatively minor penalties in obtaining compliance with the Act.

Speaking for the majority, Commissioner Alan F. Burch stated that the Commission disagreed with Judge Chalk's conclusions that the case fell entirely within previous Review Commission decisions concerning the ineffectiveness of minimum penalties. Instead, Commissioner Burch noted that the Review Commission is charged with using four criteria in assessing penalties under the Act: the size of the business, the gravity of the violation, the good faith of the company, and its previous history of safety violations. "We believe that in assessing civil penalties . . . occasion will arise when, despite the high gravity of the violation, overriding consideration must be given to these modifying factors in order to best effectuate the purpose of the Act. The Commission views this case as an appropriate one in which to give the modifying factors such consideration." The Commission considered the size of the business and its poor financial condition to be of overriding importance. (OSAHRC Docket No. 881).

OSHA Recommends ASTM Consensus Standards

Standards developed by the American Society for Testing and Materials (ASTM) are now recognized as national consensus standards by the Occupational Safety and Health Administration.

To provide the basis of new Federal job safety and health regulations, OSHA initially adopted national consensus standards of two other nationally recognized organizations, the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA).

Assistant Secretary of Labor George C. Guenther, OSHA's head, said he had determined ASTM standards "are national consensus standards within the meaning of the Williams-Steiger Occupational Safety and Health Act of 1970 . . . Therefore they may be promulgated as national safety standards."

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