



United States Department of the Interior

BUREAU OF MINES

329 FEDERAL BUILDING
ALBANY, NEW YORK 12201

DEC 13 1972

DIVISION OF

SAFETY

STANDARD

December 11, 1972

Mr. Edward T. Beaudett
Chief Inspector
New York State Department of Labor
Building #12, State Campus
Albany, New York 12226

Dear Mr. Beaudett:

Attached material herewith returned to you following discussion with J. Alleva, Assistant Director, Division of Industrial Safety, concerns a State Plan inspection at the Bestwall Gypsum Division Plant, Georgia Pacific Corporation, Town of Newstead, Akron, New York, by William J. Ward, inspector, October 27, 1972.

Mandatory standard 57.5-1, notice No. 32 - section 200-1, was issued by the New York State Department of Labor factory inspector on March 20, 1972. This was changed to an order during the inspection of October 27, 1972, with a reference to mandatory standard 55.5-1(M), order No. 1, CR12-1.6(a)(2).

United States Department of Labor regulatory authority commences at the point where milling is completed and gypsum and other materials are combined to enter the sequential processes necessary to produce gypsum board. This is pursuant to inspection guidelines, dated June 23, 1972, between the Department of Labor (OSHA) and the Bureau of Mines. The aforementioned notice was issued originally during a joint inspection prior to establishment of Bureau of Mines-OSHA guidelines.

Review of the dust survey indicates the joint systems operation, building 230 - asbestos exposure - is a manufacturing process and is not under Bureau of Mines jurisdiction. We have initiated removal of this notice from the Bureau of Mines computer.

There will be no further action on the part of the Bureau of Mines with respect to this phase of the operation, which should be excluded from further State Plan inspections pending finalization of Bureau of Mines/OSHA jurisdictional questions. Inspection data related to operations beyond milling should not be directed to the Bureau of Mines.

PLAINTIFF'S EXHIBIT

GP-2052

SGP 0006576

Please advise the Factory inspectors accordingly.

Sincerely,



Edward J. Podgorski
Subdistrict Manager
Metal and Nonmetal Mine Health
and Safety, Northeastern District

ENCLOSURE

cc:

J. Alleva, N.Y. State Dept. of Labor
C. Whiteside, U. S. Dept. of Labor