

Date 19 SEPTEMBER 1974

To T. L. CAREY/VALLEY FORGE

Subject MEETING WITH OSHA

From J. T. BARR

LOUISVILLE, KENTUCKY 18 SEPTEMBER 1974

() Take Action () For Your Approval () For Your Info () Discuss With Me
() For Your Comments () As Requested () File () Note & Return

cc: A. R. Adams/Valley Forge
R. E. Jones/Pensacola
J. D. Kramer/Calvert City
E. A. Primeau/Pensacola
J. T. Sebastianelli/Valley Forge
G. B. H. Speed/Calvert City
M. H. Stermon/Calvert City
H. L. Watson/Valley Forge

An informal conference was held with Mr. Frank Flannagan, Local Director, and a Mr. Tincher, of his legal staff, on the citation issued at the Calvert City PVC Plant. Representing APCI were Messrs. Kramer, Sebastianelli, Speed, Stermon and the writer.

The basic reason for the citation was the failure to have an exposure control and monitoring program that would prevent employee exposure to greater than 50 PPM VCM. When asked if there was a monitoring system that would accomplish this, Mr. Flannagan replied: "evidently there is." He stated several times that if men wore respirators properly there would be no exposure. The position of APCI on respirators and timely warning was explained, and he appeared interested, but not convinced that this changed the present circumstances.

He indicated that they were flexible on the monitoring methods to be used, but insisted that long-term TWA is not acceptable under the temporary standard.

He stated that the District Director had approved a program at Goodrich in which approximately 55% of the workers were tested, weekly until three consecutive weeks below 50 were found, then monthly. He feels that this will be acceptable for us also, but will confirm that to J. D. Kramer. These tests can be taken randomly over the week, covering the three work periods evenly.

We will be allowed to treat different work areas separately; thus, bagging, bulk loading, Area 5, SW recovery, etc. can now be monitored monthly unless a reading above 50 is found. Compounding can be also as soon as three weeks data are available, but so far OSHA has shown very little interest outside of VCM/PVC plants.

Mr. Flannagan confirmed that our data will not be used for issuing citations, but may be used as evidence at a hearing.

It was stated that APCI would not contest the citation, but a request was made for a reduction of the fine on the grounds that the primary cause was an unforeseen mechanical failure, and that, in addition, we had an engineering program in progress which would have prevented the exposure if the equipment had been available. This will be discussed with Mr. Woods, the Field Inspector, and Mr. McKenzie, the District Director, and Mr. Kramer will be advised.

AP00040707

T. L. CAREY
19 September 1974
Page 2

SUBJECT: MEETING WITH OSHA
LOUISVILLE, KENTUCKY 18 SEPTEMBER 1974

OSHA was informed that we were negotiating a labor contract. Their policy is not to enter a struck plant, and they indicated an understanding of the possibility of mischief in producing deliberate high readings in cases such as these. Mr. Flannagan also commented on the established statistical principle of throwing out apparently abnormal results from a series of monitor readings, indicating that an occasional high reading would not receive undue attention.

He also expressed the opinion that the final standard would include both area and personal monitoring requirements. Their attitude is that abatement must be a general policy, not aimed at just specific exposures.

The overall tone of the meeting was encouraging, and it was worthwhile even if no specific relief is obtained on this citation.

The Associated Industries of Kentucky gave us office space for a morning conference, and supplied several helpful printed documents on labor relations in Kentucky.



J. T. BARR

JTB/pk

P.S. Mr. Flannagan telephoned J. D. Kramer this morning (20 September 1974) with the following decisions arrived at after a discussion with his District Representative:

- a) We will not be permitted a reduction in monitoring to 55% but must continue at the 75% level. This apparently was based on the fact that we have a lower number of employees than B. F. Goodrich and therefore the monitoring program is not such a burden to us.
- b) There will be no reduction in the amount of the fine.
- c) They are still considering the approach to be taken toward unusually high results as a result of an upset in operations during the attempt to establish a three week no violation period.
- d) The area separation concept as described above is acceptable.

AP00040708