PLAINTIFF'S EXHIBIT

GP-720

GEORGIA-PACIFIC

INTERDEPARTMENTAL COMMUNICATION

DATE: June 18, 1973

TO: Mr. E. B. Hollingsworth

LOCATION: Wilmington

FROM: J. D. Rauch

LOCATION: Akron

SUBJECT: OSHA INSPECTION - AKRON, N. Y. PLANT

On Friday, June 15, 1973 we received our "Notification of Proposed Penalty" from the U. S. Department of Labor - Occupational Safety and Health Administration, (OSHA), regarding three "Serious Violations" and seven "Other Violations." The three serious violations each carry a proposed penalty of $800.00 each and four of the seven other violations carry a proposed penalty of $90.00 each, making a total penalty for all violations of $2,760.00.

A Xerox copy of this document was mailed to you on 6/15/73. Additional copies were mailed at the same time to Messrs: G. E. Wilson, John DiLorenzo, George Turner. It would appear to me that the first order of business regarding this matter is our decision whether to pay the assessment or whether we should contest the citations. We have until July 2, 1973 to advise OSHA if we intend to contest the citations. Otherwise we should issue a check in the amount of $2,760.00. The OSHA requirements on this matter are as follows:

> "The payment of penalties is to be made by certified check or money order, payable to the order of "Occupational Safety and Health-Labor." Remit to the Area Director.
>
> YOU ARE FURTHER NOTIFIED that the aforesaid Citation(s), this Notification, and the proposed assessment shall be deemed to be the final order of the Occupational Safety and Health Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of this notice you notify the official named below in writing that you intend to contest the Citation(s) or this Notification of Proposed Penalty before the Review Commission. The Review Commission is an independent quasi-judicial agency with authority to issue orders regarding citations and proposed penalties."

In order to assist in a decision on this matter I will go over each violation, the proposed penalty, and my thoughts regarding each of them.

1. SERIOUS VIOLATIONS

Citation Number 1

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (b) Page 22142	Failure of the employer to maintain employee exposure to airborne concentrations of asbestos fibers below acceptable levels: 1) Concentrations below 5 fibers, longer than 5 microns, per CC, based on an 8 hour Time Weighted Average, 2) Concentrations, at any time, below 10 fibers, longer than 5 microns, per CC.	$800.00

Citation Number 2

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (d) (2) Page 22143	Failure of the employer to provide, and for the employees to use, U.S. Bureau of Mines approved respirators to prevent inhalation of airborne asbestos dust fibers (within the dry mixing and packout area).	$800.00 same as #3

Citation Number 3

Standard or regulation allegedly violated	Description of alleged violations	Proposed Penalty
29 CFR 1910.93a (d)(2)(iv) Page 22143	Failure of employer to establish a respiratory program throughout the dry mixing area in accordance with the American National Standard Practice for Respiratory Protection Z88.2-1969, for employees who are exposed to excessive asbestos dust concentrations.	$800.00 Employer advised 6/14/73 Program effective 6/25/73. Duty to allow all questions to be answered and all employees to be supplied before dropping action Date (W)

In order to abate these three serious violations we must first, pay the proposed penalty or advise OSHA that we intend to contest the citations. If contested we would then have to appear before the Review Commission and enter our reasons and evidence why we do not think we should be fined. At this time we do not possess such evidence. All we have is the test results from the New York State tests which were unfavorable and the tests results from Union Carbide that were run 1/18/73. While these tests results are more favorable to us, they point out areas of high asbestos dust concentration that have not been [illegible] or tested by OSHA or New York State. Introduction of the Union Carbide Report could possibly do more harm than good.

If we do not contest the OSHA Report we must do the following:

1. Immediate Temporary Administrative Controls

   Initiate immediate temporary administrative controls to prevent employee exposure to excessive asbestos dust concentrations by July 1, 1973. A Compliance Officer will determine if these temporary controls are preventing employee exposure.

   (1) Provide U.S. Bureau of Mines approved respirators for all employees working within the joint compound dry mixing and pack out areas of the main plant. Continue the use of respirators until the installation of permanent engineering controls.

   (2) Establish a complete respirator program in accordance with the provisions of the American National Standard Practices for Respiratory Protection Z88.2-1969.

   (3) Establish a program for maintaining the joint compound dry mixing and pack out areas of the main plant in a clean, orderly and sanitary condition to prevent asbestos dust contamination of the air. This program will include utilizing sealed impermeable bags for the storage of waste asbestos.

(4) Provide employees with protective clothing that can be maintained in a sanitary and reliable condition from becoming contaminated with asbestos. In addition, provide employees with individual clothes lockers to prevent their personal clothing from becoming contaminated with asbestos dust.

(5) Establish a personal monitoring program to determine, at six month intervals, the concentrations of asbestos dust. Done 6-18-73 JM

(6) Post asbestos "Caution" signs at all approaches to the work area to prevent unprotected persons from entering. Done 6-18-73 JM

(7) Affix asbestos "Caution" labels on all raw materials, mixtures, scrap, waste, debris and other products containing asbestos to prevent exposure to asbestos dust.

II. Permanent Engineering and Administrative Controls

(1) By July 27, 1973, submit a plan for approval to the U.S. Department of Labor, Occupational Safety and Health Administration, 203 Midtown Plaza, 700 E. Water Street, Syracuse, New York 13210, Mr. Chester C. Whiteside, Area Director, showing a timetable for the installation of engineering controls to prevent employee exposure to asbestos dust concentrations above allowable limits.

(2) Incorporate items (3) through (7) (listed as temporary administrative controls in Part I) as permanent administrative controls to prevent employee asbestos dust exposure.

II. OTHER VIOLATIONS

Citation Number 1

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (d)(3) Page 22143	Failure of the employer to provide and require use of special clothing, such as coveralls or similar whole body coverings, gloves, and foot coverings to prevent skin contact with asbestos fibers, of employees within the dry mix and packout area.	$ 50.00

In order to abate this violation, according to OSHA we must:

"Provide employees with protective clothing that can be maintained in a sanitary and reliable condition from becoming contaminated with asbestos. In addition, provide employees with individual clothes lockers to prevent their personal clothing from becoming contaminated with asbestos dust."

This would be a very great expense to our operation. As it has been explained to us, each employee would require head to toe covering. This would be so uncomfortable in the summer that keeping employees on the job would be nearly impossible. They all complain that the face masks we require them to wear are too hot.

The soiled clothing would have to be gathered in marked plastic bags and cleaned by a laundry that has special equipment to wash asbestos contaminated materials. We would have to purchase and provide special throw away clothing that could be disposed of at the end of each shift. We have not investigated the cost of either of these solutions, but we have no doubt at all that we would find the additional costs very high.

Citation Number 2

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (d)(4) Page 22143	Failure of the employer to provide change rooms, two separate clothes lockers for work and street clothes, and the laundering and handling of work clothes for all employees exposed to airborne concentrations of asbestos fibers in excess of prescribed limits, within the joint compound mixing and packout area.	$ 90.00

In order to abate this violation, according to OSHA we must follow the provisions as outlined in number 1 above. As explained to me, we must provide two seperate change rooms and two seperate clothes lockers. This is to prevent contamination of street clothes from asbestos that would be in work clothes change area. Also the street clothes change area must have an outside entrance so the employee does not have to pass through the asbestos work area in his street clothes.

At this time I do not know where we could place such a change area. The wash and rest room facility required would make placement of such a change room almost impossible to install under existing conditions. This would almost require an additional building. We have not investigated the cost of this requirement, but feel that the cost would be prohibitive.

Citation Number 3

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (f)(2)(ii) Page 22143	Failure of the employer to establish a personal monitoring program at intervals not greater than 6 months within the joint compound mixing and packout areas where asbestos exposure may reasonably be foreseen to exceed prescribed limits.	Done 6-18-73

In order to abate this violation, according to OSHA, we must:

"Establish a personal monitoring program to determine, at six month intervals, the concentrations of asbestos dust."

This can be accomplished without much problems. We have located an individual to [illegible] and will run the required monitoring tests. However this would require an expenditure of about $400.00 every six months. If we were to purchase the equipment for self testing we would have to invest about $1,500. in equipment. And about $150. every six months for the test filters analyzed. The equipment outlay of $1,500. would be on a one time basis. We have only to decide which way to go on this for total OSHA abatement of this citation. The Union Carbide tests were run over 6 months ago and cannot be counted as required abatement.

Citation Number 4

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (g)(1)(i) Page 22143	Failure of employer to post "Caution" signs at all approaches to the joint compound mixing and packout area where airborne concentrations of asbestos fibers may be in excess of prescribed limits.	$ None Date 6/18/73 JM

In order to abate this violation, according to OSHA, we must:

"Post asbestos "Caution" signs at all approaches to the work area to prevent unprotected persons from entering."

We now have these signs at the Plant. They were ordered in April and arrived late in May. We have yet to install the signs. They read as follows:

"Asbestos Dust Hazard. Avoid Breathing Dust. Wear Protective Equipment. Do not remain in area unless your work requires it. Breathing asbestos dust may be hazardous to your health."

This leads us to believe that all employees entering the area must have complete protection, such as face masks, protective clothing, etc. So we have not installed the warning signs until we are ready to provide this total protection to the employees in the department, maintance employees, supervisors, quality control employees, and any other possible visitors including OSHA inspectors. If you think we should install these signs, please advise and this can be accomplished within an hours time. These signs are bright yellow and are 14" x 20" with up tol" lettering. So they are quite visible.

Citation Number 5

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (g)(2)(i) Page 22144	Failure of the employer to affix a "Caution" label to all raw materials mixtures, scrap, waste, debris and other products containing asbestos fibers to prevent exposure to concentrations above prescribed limits during any reasonably forseeable use.	$ None

In order to abate this violation, according to OSHA, we must:

"Affix asbestos "Caution" labels on all raw materials, mixtures, scrap, waste, debris and other products containing asbestos to prevent exposure to above [illegible].

We now have a stamp for our finished product bags and all future bags for [illegible] will have the required caution label factory printed. However, this could [illegible] Ready Mix as it reads "all raw materials, mixtures, etc." If this is the case, we [illegible] no preperations to so label one and five gallon pails or one gallon cartons.

Citation Number 6

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (h)(1) Page 22144	Failure of the employer to maintain all external surfaces within the joint compound, dry mixing and packout area, free of accumulations of asbestos fibers (dry sweeping is to be discouraged, utilize vacuum sweeping methods).	$ 90.00

In order to abate this violation, according to OSHA, we must:

"Establish a program for maintaining the joint compound dry mixing and pack out areas of the main plant in a clean, orderly and sanitary condition to prevent asbestos dust contamination of the air. This program will include utilizing sealed impermeable bags for the storage of waste asbestos."

This would be a nearly impossible task until total dust control is accomplished. Keeping "all external surfaces within the Joint Compound, dry mixing and pack out area, free of accumulations of asbestos fibers", would mean all walls, support beams, tank tops, etc. free of dust. We could clean this all up, but could not prevent the reoccurance of dust build-up until the dust is under control. We have inquired into power sweepers and have found one that has asbestos control features. This model also has a sweeper hose attachment so that hand as well as floor sweeping could be accomplished. This would cost about $8,000.

Citation Number 7

Standard or regulation allegedly violated	Description of alleged violation	Proposed Penalty
29 CFR 1910.93a (h)(2) Page 22144	Failure of the employer to collect and dispose of all asbestos waste, scrap, debris, bags, containers, contaminated clothing in sealed impermeable bags to prevent any forseeable airborne concentrations of asbestos fibers above the allowable limit.	$ 90.00

In order to abate this violation, according to OSHA, we must:

"Establish a program for maintaining the joint compound dry mixing and pack out areas of the main plant in a clean, orderly and sanitary condition to prevent asbestos dust contamination of the air. This program will include utilizing sealed impermeable bags for the storage of waste asbestos. Affix asbestos "Caution" labels to materials, mixtures, scrap, waste, debris and other products containing asbestos to prevent exposure to asbestos dust."

We have no ready solution to this problem. We can collect the empty paper in plastic bags and dispose of them underground at the mine. But, other asbestos such as floor sweepings and dust collector waste would be of such weight and volume this method would not be possible. We have a quote on an incinerator that will burn only empty asbestos bags. This would cost about $6,000.00 plus installation. We need some ideas on this matter.

This covers all of the OSHA violations regarding our use of asbestos. As you know from the "Multi-Step Abatement" many of these controls have to be completed by July 1, 1975 and our total plans have to be submitted by July 27, 1973. This is not very much

I think our future operations depend on how the reply to these citations is handled. I would suggest first that the Portland Engineering Office send someone to Akron to make a complete study of the problem and make their recommendations. Then I would request that some expert legal assistance be used to reply to OSHA. It would appear that an improper reply could result in a very high violation penalty or plant closure. As stated in the OSHA citation,

> " Initiate immediate temporary administrative controls to prevent employee exposure to excessive asbestos dust concentrations by July 1, 1973. A Complaince Officer will determine if these temporary controls are preventing employee exposure."

On this basis I would expect another OSHA inspection on or about 7-1-73. Please advise what our next step should be.

J. D. R.

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att.

GEORGIA-PACIFIC

INTERDEPARTMENTAL COMMUNICATION

DATE: June 19, 1973

TO: Mr. John Woodsmall

LOCATION: Detroit Sales

FROM: C. W. Lehnert

LOCATION: Tigard Lab

SUBJECT: ASBESTOS FIBER IN JOINT COMPOUNDS

cc: Mr. O. E. Burch - Portland
Mr. T. W. Richards - Tigard
Mr. T. R. Godfrey - Portland

THIS COPY FOR

COPY

I will try to respond to your customers' concern about asbestos fiber prompted by our labeling of joint system bags. This caution label is required by the Occupational Safety and Health Administration (OSHA). We have always used asbestos fiber in our joint system products, so if there is a hazard, it is no different today than it has been in the past. The hazard is the inhalation of asbestos fiber. The degree of hazard would depend on the concentration of asbestos fiber in the air and duration of exposure to that air. The health problems associated with asbestos have occurred in situations where workers have been exposed to high concentrations of asbestos fiber over a period of years. Joint compounds contain relatively small percentages (2-8%) of asbestos fiber.

OSHA has imposed a number of stringent standards on plants where products are manufactured containing asbestos fiber. These include limitations on the concentration of fiber in the air, procedures for handling the asbestos fiber, use of protective devices (respirators), periodic medical examinations, and labeling of all products containing asbestos fiber.

I am not aware of any OSHA regulations for the use of joint system products. However, it is recognized that there is some exposure during the mixing of dry products and the sanding of joints after the joint compounds have been applied. The level of asbestos fiber concentration at these times is not presently known. The industry is currently planning tests to determine the level of airborne asbestos during the mixing and sanding. In the meantime, it would probably be advisable for workers engaged in these operations to wear respirators. Once mixed or wetted, the asbestos fiber is not subject to becoming airborne and, therefore, is no longer hazardous. For example, ready mixed products would present no problem other than perhaps the sanding.

RECEIVED BY
JUN 21 1973
GYPSUM DIVISION

One solution of the asbestos fiber problem for all concerned is to eliminate it from our products. We are engaged in a program to find ways to do this. Our first efforts were with joint system textures because we felt the spray application presented some special problems. At this time we are about 90% converted to non-asbestos texture formulas. We are now directing our attention to our dry and ready mixed joint compounds.

I hope this information will answer our customers' questions concerning the possible hazards of asbestos fiber and the actions being taken to eliminate or minimize those hazards.

CWL

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