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October 28, 1986

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C. A. LIVINGSTONE
1896-1982
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Corp., Risk Mgmt.

Mr. Steven Borgstrom
Raymond Sheakley & Associates, Inc.
2605 West 22nd Street - Suite 34
Oakbrook, Illinois 60521

Dear Steve:

In re: v. Sherwin-Williams
8209 00116
May 15, 1981

Oral arguments were had Monday, October 27, 1986 before three members of the Commission, Chairman Bachman, and Commissioners Black and Holland.

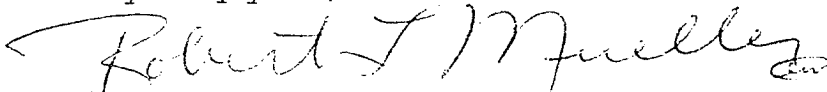
You recently wrote asking that I send you a copy of our Response to Petitioner's Statement Of Exceptions. I'm attaching a copy, along with a copy of Petitioner's Statement Of Exceptions.

I have long since given up trying to foresee the outcome of oral arguments. At least two of the Commissioners seem to have looked at our Briefs, and questions were asked both of Mr. Larsen and me. They seemed to show some interest in whether any dust in the work place, whether toxic or not, could compound asthmatic problems. Accordingly, I lay some emphasis on the fact that Sherwin-Williams had never been cited by OSHA for their dust levels, had furnished the employees with respirators though did not require them to use them because of OSHA's noninsistence, and, had monitored dust levels, and included in that monitoring exercise. Also, it was pointed out that neither Dr. Dixon nor Dr. Van Ordstrand felt that zinc ingestion was a pulmonary problem. Metal fume fever was discussed briefly as being wholly transitory, and again, that Dr. Van Ordstrand did not think it a pulmonary problem. It was pointed out to the Commissioners that that was the only well documented manifestation of exposure to zinc oxide.

I can't tell you when we will have the Decision of the Commission. They are still one member short, - the reason for Commissioner Bachman's sitting in on the Springfield orals Monday.

With best regards, I am

Very truly yours,



Robert L. Mueller
RLM:ln
Enc.

N40321

SHEAKLEY & ASSOCIATES

0007-SWP-005801290

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Handwritten notes and signatures in the bottom right corner, including "N40321" and "Sheakley & Associates".

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