RECAP

PLAINTIFF'S EXHIBIT ASA-309

RECOGNIZING ENVIRONMENTAL CONDITIONS AND PROBLEMS

A HEALTH AND SAFETY NEWSLETTER
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VOLUME VI EDITION XI November, 1972

INDUSTRIAL SAFETY
HYGIENE AND TOXICOLOGY
RADIOLOGICAL HEALTH
FIRE AND EXPLOSION PREVENTION
WATER · AIR POLLUTION CONTROL

THANK YOU!

To those who have returned their polling card - Our polling of the RECAP mailing list is underway. We thank you for the two thousand responses in the first two weeks and the hundreds of kind comments regarding RECAP. We are making the corrections and changes daily, and you are now on the new RECAP mailing list.

To those who have not responded - Because there were several thousand names on the RECAP list, our mailing service cannot automatically change over our buddies, good customers, etc. We do not want to drop your name, so if you want to continue receiving RECAP, please return the polling card from the October issue - - or drop us a note along with the address on this RECAP and any necessary changes.

If you have not responded, this will be the last issue of RECAP you will receive.

ASBESTOS STANDARD SHIFTS RESPONSIBILITY FOR ENVIRONMENTAL MONITORING FROM OSHA TO EMPLOYER

Unless you have been heavily involved in asbestos exposure problems you, as an employer, may not yet realize that responsibility for monitoring is being shifted from OSHA to you, not only for asbestos, but in all likelihood for many more toxic materials.

As an engineer, our knowledge of law is limited, but to us a fundamental principle is "A person is innocent until proven guilty". Thus, very much like the policeman who has to see you speeding before he can cite you, the OSHA inspector (or industrial hygienist) has to determine for himself whether there is an overexposure to a toxic material and a violation exists. Only from his sampling data can he determine whether to cite you. He can not use any environmental data you have in your files - - - except possibly to determine whether to sample or not.

With the exception of asbestos, we can find no OSHA requirement for an employer to monitor environmental exposures to toxic materials. However, this is changing rapidly. The asbestos standard requiring both monitoring, recordkeeping, and employee apprisal is now in effect. Similar proposals have already been made by NIOSH for noise, carbon monoxide, beryllium, and heat stress. According to our information 40 more, over the next 24 months, are in the mill.

The four proposed standards follow the pattern of that set for asbestos. Let's look at how the situation is changing for the OSHA inspector and you.

1. If you are using asbestos, you must (by Jan. 7, 1973) monitor every place of employment where asbestos fibers are released to the working environment so

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as to make an initial determination of asbestos levels.

2. You must establish sampling frequencies and patterns that are representative. In no case can the sampling be more than six months apart in areas where you can reasonably foresee exceeding the exposure limits.

3. You must post caution signs and labels at each location where asbestos concentrations may exceed the exposure limits. Size and wording of the signs and labels are specified.

4. You must provide at your cost, preplacement, annual, and termination medical examinations for those exposed to asbestos.

5. You must maintain records of all personal or environmental sampling data as well as medical examinations.

6. Every employee has the right of access to any of these records which may indicate any of his exposures. Also employees shall be given a reasonable opportunity to observe the actual monitoring.

7. How the sampling is done is outlined in detail. Clean-up method, etc. are specified.

All of this is in the current OSHA standards (para. 1910.93 a). The OSHA inspector's job has become much simpler. All he needs to do is ask to see your records, etc. If you have not followed the above procedures, you are subject to a citation regardless of the results.

The pattern should be clear. Rather than having to prove overexposures, the OSHA inspector now only has to prove that you have failed to conduct an occupational health evaluation of asbestos exposures and kept records.

Obviously many employers are not prepared for this. To assist you in deciding how you will meet these obligations, we have prepared a list of equipment and materials needed, exact counting techniques, sampling calibration information, etc. (If you want this kit, please request it on the enclosed card.) As standards are adopted for the other materials we will try to release similar sets of information for each one.

COVER PLATES FOR WELDING LENS CONFUSION CLEARED UP BY OSHA

Depending on where you looked in the OSHA standards, specifications of welding lens cover plates were contradictory. In Para. 1910.133, Eye and Face Protection, it states that design, construction, etc. shall be in accordance with ANSI Z87.1-1968. The ANSI standard specifies that cover plates shall not be heat-treated for impact resistance.

However, Para. 1910.252, Welding Cutting and Brazing, specified that cover plates had to be tempered.

Our latest copy of the OSHA standards (corrected to Sep. 25, 1972) has deleted the tempering requirement for cover plates.

All filter lenses and clear lenses must be heat-treated though. In addition we believe that all tempered filter lenses should have an "H" on them as specified by ANSI. Otherwise how do you know if you have a tempered one or just plain colored glass?

THE TAILGATOR'S DEMISE

When in your rearview mirror,
this is all that you can see ---------
control your first impulsions
and slow down gradually.

Don't let that "gator" get your goat
don't let him play your hand --
and don't go slamming on the brakes
sending him to the promised land.

Don't kick it up to ninety per
and try to gain some ground --
for on that curve ahead you may end up dead
and he'll still be around.

Just do as I said in the first place
and drive defensively --
by signaling your intentions
and slowing gradually.

'Fore long you'll see him raging
like and idiotic oaf --
he'll grow extremely nervous
when you decide to loaf.

He'll fume in his frustration
'cause it's not much fun you see --
to tailgate the car ahead
at only twenty-three.

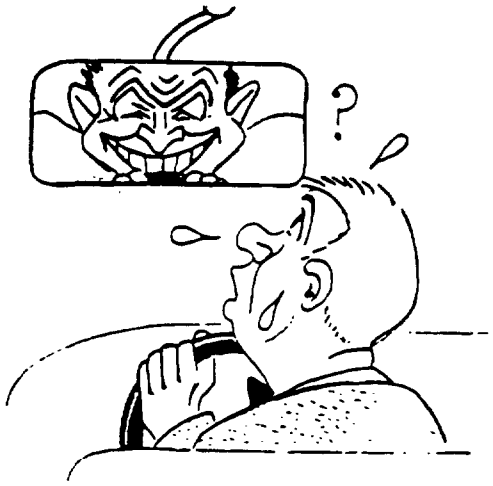
Pretty soon he'll up and pass you
with a roaring speeding din --
and when you see his dirty look
all you have to do is grin.

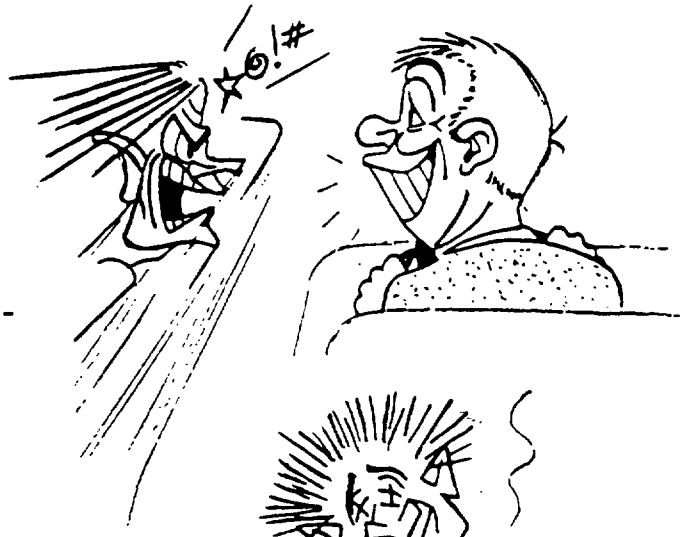
His threat to you has ended
you've regained your peace of mind --
and cause you drove defensively
you have no sore "behind".

Now somewhere in the future
in some unexpected place --
you'll find your friend the "gator"
and view his flattened face.

For a guy that's always behind you
he finally got ahead --
but like so many of his kind,
when he got there he was dead.

Now I know you've read better poems
but the moral's plain to see
you can avoid most accidents --
if you drive DEFENSIVELY!





Courtesy of Dan Zachary
U.S. Atomic Energy Commission
Richland, Washington