CONFIDENTIAL

M. P. Naylor — May 10, 1960

Re: Atmospheric Hygiene Report
Respirator Survey - Manville Factory
Stations Above Maximum Allowable Concentration

Enclosed please find a detailed report showing atmospheric hygiene sample stations currently above maximum allowable concentration, number of employees currently exposed, yearly average exposure hours per employee, etc. This report includes information for all plants at the Manville Factory location. The last two columns on the right indicate the present respirator status.

It is my understanding that there has been discussion regarding a mandatory respirator program in one plant, thereby it would affect all plants within this location. If this program were made mandatory, it would necessitate adding approximately 10 points to the job evaluation for "surroundings" thereby increasing the rate an average of $.04 per hour, as estimated by V. J. Liotta.

The total direct cost of this program is computed as follows, by multiplying $.04 per hour by the total "yearly job exposure hours" shown on the report.

Respirator Program - Direct Cost

Plant	No. Stations Above M.A.C.	Total Number Employees Exposed	Yearly Job Exposure Hours	Direct Cost Per Year
Ind. Insul.	43	166	105,132	$ 4,325.25
Pipe Plant	7	46	37,050	1,482.00
Pack. & F M	54	306	163,189	6,527.56
Building Prod.	42	155	110,636	4,425.44
E.& R. Dept.	1 (plus prod.)	41	23,372	934.92
Manville Factory Total-	147	714	448,879	$17,955.16

The direct yearly cost of $18,000.00 appears to be reasonable, considering this figure represents less than one-half the cost of one occupational disease case.

The potential indirect cost and involved risk must be taken into consideration prior to reaching a decision in relation to a mandatory respirator program.

It is common knowledge that labor attorneys represent unions in order to obtain Workmen's Compensation work. This is achieved by having union officers and shop stewards direct claims and information to the attorneys. These attorneys usually have offices in or near union headquarters. The union representing J-M employees has an attorney present in the union office across from the factory every Tuesday afternoon, for the purpose of filing Workmen's Compensation claims. Labor attorneys are awarded fees by the Division of Workmen's Compensation, ranging from 10% to 20% of the total recovery.

In order to establish a mandatory respirator program, "contaminated" or "dust" areas would be intentionally or unintentionally designated to define where, when and who should wear a respirator. Immediately upon designating contaminated areas, we are legally admitting evidence of exposure involving 714 people. With this information available, a labor attorney could begin filing occupational disease Workmen's Compensation claims by roster of employees. This is

presently being done in several industries which I shall be glad to name upon request.

In New Jersey, only two factors are necessary to receive a Workmen's Compensation award for an occupational disease; one is exposure and the other is any change in the chest xray film. Occupational disease awards begin with a minimum of 15% to 25% of permanent partial disability, and range up to 100%.

The $.04 per hour rate differential on jobs that are alike will cause considerable controversy between union and management. For instance, two lathe operators in Transite Pipe producing the same product, one receives $.04 per hour more than the other because the dust system is ineffective on one lathe and effective on the other; or, two weavers doing the same operation; however, one loom has an effective control and the other is ineffective. The union will no doubt demand proof of this controlled location because of the lower job rate. Also, as areas are controlled, they will demand evidence indicating the effectiveness of the control, and it is probable that their demands will include a complete factory survey report of all plants. This means one of several things; give the union access to our atmospheric hygiene records, have the union demand surveys by an outside consulting Industrial Hygienist of their choice, or have the union demand surveys through the State Department of Labor or the State Health Department. The latter is the most likely and should this occur, we may be in another situation similar to Lompoc.

Should a mandatory respirator program develop the trouble anticipated, the indirect cost will be staggering. The estimated Workmen's Compensation liability potential would be as follows, based on an average of 50% permanent partial disability per employee with one dependent, plus medical and legal expense ($20,000.) for those employees presently exposed.

Plant	Total Number Employees Exposed	No. Stations Above M.A.C.	Estimated Potential Liability
Ind. Insulations	166	43	$ 3,320,000.00
Pipe Plant	46	7	920,000.00
Packing & F/M	306	54	6,120,000.00
Building Products	155	42	3,100,000.00
E. & R. Department	41	1 (plus prod.)	820,000.00
Manville Factory Total-	714	147	$14,280,000.00

Ten to twenty percent of 14 million dollars would be a tremendous fee incentive for any labor attorney to begin a concentrated claim filing campaign.

I have on numerous occasions reviewed with each plant manager the case status presently existing in his plant. Under the circumstances described above, these cases would become immediate, actual financial liabilities, probably requiring the initial payments within the year. This actual liability would be as follows:

Plant	Actual Liability
Ind. Insulations	$ 1,280,000.00
Pipe Plant	1,200,000.00
Packing & P/M	1,040,000.00
Building Products	1,120,000.00
R. & R. Department	440,000.00
Manville Factory Total-	$ 5,080,000.00

A portion of these cases are included in the 14 million dollar estimate; however, many are in addition, inasmuch as they are presently not working in exposed areas.

The estimated cost per case is based on present-day Workmen's Compensation rates and administration. J-M has been very fortunate inasmuch as our case cost is minimal compared to some other industries. By retaining relationship with the State, we have been successful in establishing the last day worked rather than the first xray chang e as a "date of accident" or date of initial payment. This has saved us thousands of dollars per individual case. We have settled the majority of our occupational disease cases via "office settlement" procedure, thereby saving legal fees of one to five thousand dollars per case. We have assured the State Department of Engineering and Safety that we are correcting unfavorable conditions, and our relationship with them is excellent.

Considering the magnitude of this problem and the complications involved, I recommend that the existing voluntary respirator program be continued and expanded to include training employees in the proper use of respirators, furnishing replacement respirator parts, and establishing cleaning and sterilizing facilities to assure sanitary respirators daily. Each supervisor should be instructed to encourage the use of respirators in job locations obviously dusty; however, area designations should not be made, no increase in rate or change in job evaluation should be considered, and under no circumstances should this matter become a union issue.

It is also important that all new equipment, methods and materials be controlled immediately upon installation and prior to creating a new hazard. This type of approach was especially successful at the Rock Shake Shingle area in the Building Products Rigid Shingles Department.

The voluntary respirator program should be a temporary measure pending a continued concentrated effort toward the objective to control the situation, thereby eliminating the remaining 147 stations above maximum allowable concentration. This objective is defined on page number one of the "Dust Abatement-Manville Plants" program.

Since the outset of the Dust Abatement - Manville Plants program, there has been considerable, continuing progress toward eliminating the source of hazardous conditions. This progress can be demonstrated as follows:

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Plant	No. Stations Above M.A.C. From Outset of Program	No. Stations Corrected	No. Stations Eliminated	No. Stations Presently Above M.A.C.	% Stations Controlled To Date
Ind. Insul.	66	13	10	43	34.8%
Pipe Plant	18	10	1	7	61.1%
Packing & F/M	111	49	8	54	51.3%
Build. Prod.	73	33	0	43	41.0%
R.& R. Dept.	1	0	0	1	0.0%
Manville Factory Total-	271	105	19	147	45.7%

As indicated on the attached report, Manville Factory Plants have gone beyond dust abatement. We are working on fumes, gases and lead exposure as well.

CLS.

C. L. Sheckler

CLS/ts

cc: All Plant Managers
R. I. Merrill
R. M. Jackson

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