OSHA MATTER PROJECT REVIEW

Pursuant to your request regarding the above titled matter I will attempt to present to you a thorough report and discussion of the matters pending and policy changes that should be instituted.

Case(s) Currently Pending

As of November 15, 1977 the Legal department has only one OSHA case currently pending entitled Long Beach Citation No. 2, Item 1. This citation involves the failure of the Long Beach plant to properly cover and seal asbestos waste maintained in a refuse container.

The violation is the second such violation for the Long Beach plant. This citation is on appeal and the hearing is set for November 23, 1977 at 9:00 AM.

During the week of November 6, 1977, I visited the plant and received a first-hand look at the problem. Much to my dismay, the violation in question was clearly ongoing. The particular dumpster and dusthouse operation were clearly open and uncovered.

The reason for my dismay was that prior to my arrival, I was assured that the violation had been remedied and all was well.

I instructed Mr. Lloyd Carter, Safety Manager, that a cover even if temporary should be placed on the container(s) at all times and most particularly at least until the hearing on the 23rd. He agreed and assured me it would be done.

However, based upon the existing situation at Long Beach, and the fact that this is the second citation for the same offense it is doubtful that we will be able to prevail at the forthcoming hearing.

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Recently Closed Cases

Jackson Plant - Jacksonville, Tennessee

Violation: PVC containers were not legibly labeled "... Vinyl Chloride is a cancer suspect agent".

Inspection Date: January 23 and 27, 1976.

Case History: July, 1976 case was appealed. Dennis entered a Motion to Dismiss, and the state returned with a withdrawal of the citation.

Long Beach Plant - Long Beach, California.

Inspection Date: March 26, 1976.

Violation: Separate citations including failure to prevent harmful exposure to Asbestos Dust.

Case History: One particular citation involving asbestos dust was contested successfully by the Legal department.

Result: J-M payed a penalty of $790.00 for the remaining citations. (This includes the same violation which was cited again in which we are currently appealing.)

Woodstock Virginia

Inspection Date: June 28, 1977

Violation: Fifteen citations for various non-serious violations.

Case History: No contest.

Result: J-M payed a total penalty of $40.00.

Lompoc Plant - Lompoc, California.

Special Order. California Division of Industrial Safety issued a special order to require certain occupational health surveillance measures at Lompoc not specifically covered under a California OSHA statute.

-2-

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J-M 83

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This special order was contested by Johns-Manville and after hearing the case was settled by the State of California-withdrawing.

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J-M 83

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