DISCUSS WITH ASHTON

File - CONTRACTORS

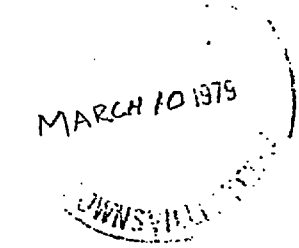
I.I

TYPICAL SAFETY CLAUSE

IN EXISTING STANDARD C&P MAINTENANCE/CONSTRUCTION TYPE CONTRACTS

Safety and Security Clause

Contractor shall comply with, and shall cause its employees and all subcontractors to abide by, all safety and security laws, rules and regulations in force at the Construction Site. The provisions of the latest edition of the "Manual of Accident Prevention in Construction" published by Associated General Contractors of America, Inc., dealing with safe practices pertaining to construction work shall be deemed to be in force at the Construction Site to the extent they do not conflict with such laws, rules and regulations.



PLAINTIFF'S EXHIBIT

UC-1792

BRF 0516

CONTRACTOR PHILOSOPHY/PROCEDURES

Following are several documents which express existing contractor philosophy and procedures. They include:

1. Typical safety clause language in existing standard C&P maintenance and construction contracts.
2. Recommended non-UCC employee accountability guide.
3. Distribution management approved contractor relationships.



Union Carbide trial exhibit UC-1792: Union Carbide C&P Contractor Safety Clause and Contractor Philosophy Index... Published by AsbestosClaims.Law
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ment. These guidelines should also be used by the Regional Office in monitoring and evaluating State variance activity.
6. *Filing.* This directive is effective immediately and shall remain in effect until further notice.

Noise

SOUND LEVEL METER SET APPLICATIONS NOW ARE BEING ACCEPTED BY NIOSH

The National Institute for Occupational Safety and Health currently is accepting applications for certification of industrial sound level meter sets.

In an October 26 Federal Register notice (41 FR 46896), NIOSH said all completed applications received by December 31, 1976, will be acted on immediately and resulting certifications will be published as a group as soon as evaluations and tests are completed. Applications received after December 31, 1976, will be processed as they are received with certifications published on a continuing basis.

Applications would be made according to procedures outlined by the agency in a regulation issued October 8 (Current Report, October 14, p. 570). Applications or questions on the certification procedure should be sent to NIOSH Testing and Certification Branch, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

General Policy

COMPLIANCE SUBGROUP RECOMMENDS MULTI-EMPLOYER WORKSITE GUIDELINES

Two of three guidelines for citing violations on multi-employer worksites proposed in April by the Occupational Safety and Health Administration were recommended on October 28 by the compliance subgroup of the National Advisory Committee on Occupational Safety and Health.

The guidelines, proposed on April 27, would redefine OSHA's current policy of citing only an employer who has exposed his employees to a hazard whether or not he created the hazard (Current Report, April 29, p. 1539).

These two guidelines should be recommended by the full advisory committee to the Assistant Secretary of Labor, the subgroup said:

- Citations may be issued to an employer on a multi-employer site who creates hazards to which his or other employees are exposed.
- In cases involving "readily apparent" hazards, citations may be issued to both the employer who caused the hazard, and the employer who allows his employees to be exposed whether or not he created or can abate the condition.

The subcommittee recommended that the term "readily apparent" hazard be changed to "serious, recognized" hazard. In many cases, subgroup members said, a hazard might not be apparent to an employer, as in the case of a subcontractor working temporarily in a chemical plant.

A third guideline proposed by OSHA should be eliminated, the subgroup said. This guideline would authorize OSHA to cite the employer who has the ability to abate a hazard, whether or not he created the hazard. Subcommittee members objected to the broad responsibility that this guideline would place on the general contractor.

In another recommendation, the subcommittee said that issues involving private initiatives between contractors, subcontractors, and project managers should be resolved before any final rules on multi-employer worksites are issued. Specifically, OSHA should determine how any new OSHA rulemaking would affect current arrangements among multi-employer worksite groups.

Subgroup member Nicholas Ashford, Center for Policy Alternatives, Massachusetts Institute of Technology, suggested that OSHA ask interested parties to submit information on employer-initiated safety responsibility on multi-employer worksites and also on any contractual problems that could result from adoption of new guidelines.

Advice will be sought from the full advisory committee on topics to be pursued in future compliance subgroup meetings, said subcommittee chairman Ed Deck, General Electric Company. A date for the next subgroup meeting will not be chosen until after that decision is made.

Deck noted that a list of possible topics had been submitted to the subcommittee by Organization Resources Counselors, Washington, D.C. Subjects include the role of OSHA's national office in interpretation of standards, variance procedures, a clearinghouse for abatement techniques, and the feasibility of industry-wide abatement agreements.

Contracts

NIOSH AWARDS DEVELOPMENTAL STUDY FOR STANDARDS ON COAL GASIFICATION

The National Institute for Occupational Safety and Health awarded a $185,000 contract for a study of coal gasification on October 4.

Enviro Control, Inc., Rockville, Md., will develop and recommend standards for the coal gasification process. The contract award number is 210-76-0171.

The institute also awarded a number of other contracts relating to occupational safety and health, chemical substances in the workplace, protective devices and equipment, and training.

Safety and Health

The Wisconsin Department of Industry, Labor and Human Relations, Madison, Wis., was awarded an $82,475 contract for a study of human factor analysis of materials handling equipment (210-76-0115).

The Franklin Institute, Philadelphia, Pa., will study visibility aspects of warning devices, signs and markings and labels. The award is for $25,328 (210-76-0116).

Canyon Research Group, Inc., Westlake Villages, Calif., will conduct a search for health and safety data on machine-paced assembly line work. The contract award is for $70,415 (210-76-0148).

An award of $114,876 was made to WSA, San Diego, Calif., to perform collection and analysis of work surface accident profile data (210-76-0150).

The Society for Occupational and Environmental Health, Washington, D.C., was awarded a $29,962 contract by NIOSH to conduct a conference on women and the workplace (210-76-0154).

The American Welding Society, Miami, Fla., was awarded a $25,000 contract for a study on improving the welding environment (210-76-0156).

The development of guidelines on the medical management of pregnant working women is the subject of a $98,800 award to the American College of Obstetricians and Gynecologists, Chicago, Ill. (210-76-0159).

The Bendix Corporation, Southfield, Miss., was awarded a $349,981 contract to study the industrial hygiene characterization of coal gasification of pilot plants (210-76-0160).

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