PLAINTIFF'S EXHIBIT

UC-1898

UNION CARBIDE

INTERNAL CORRESPONDENCE

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UNION CARBIDE CORPORATION P.O. BOX 8361, SOUTH CHARLESTON, WV 25303
INVESTMENT RECOVERY DEPARTMENT

August 29, 1990

R. W. Lasher
Solvents & Coatings Materials
DANBURY, K1162

Asbestos Removal at Brownsville

Dear Mr. Lasher:

Thought you might be interested in paragraph (6), page 22757 (attached) of Federal Register concerning removal of asbestos and "feasibility". At the June 6 meeting you said it was decided negative pressure enclosures are not needed at Brownsville. I assume Mark Tapp concurred that it was not feasible to build enclosures. Jack Dermit, however, also indicated they were required.

If there is any change in your position, please call me by September 7.

Very truly yours,

J. H. Smith
Project Manager - Southern Region

JHS/lkw/0246L

Attachment

cc: Belia Cortez - Brownsville, TX
Mark Tapp - League City, TX

P. S. We have required negative pressure enclosures at Seadrift, Texas City and Ponce on recent dismantlements.

BRA 1687

Renovation means the modifying of any existing structure, or portion thereof, where exposure to airborne asbestos, tremolite, anthophyllite, actinolite may result.

Repair means overhauling, rebuilding, reconstructing, or reconditioning of structures or substitutes where asbestos, tremolite, anthophyllite or actinolite is present.

Tremolite, anthophyllite and actinolite means the minerals listed as such forms of these minerals, and any of these minerals that have been chemically treated and/or altered.

(c) *Permissible exposure limit (PEL).* (1) The employer shall ensure that no employee is exposed to an airborne concentration of asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals in excess of 0.2 fibers per cubic centimeter of air as an eight (8) hour time weighted average (TWA) as determined by the method prescribed in Appendix A of this section, or by an equivalent method.

(d) *Communication among employers.* On multi-employer worksites, an employer performing asbestos, tremolite, anthophyllite, or actinolite work requiring the establishment of a regulated area shall inform other employers on the site of the nature of the employer's work with asbestos, tremolite, anthophyllite, or actinolite and of the existence of and requirements pertaining to regulated areas.

(e) *Regulated areas*—(1) *General.* The employer shall establish a regulated area in work areas where airborne concentrations of asbestos, tremolite, anthophyllite, actinolite or a combination of these minerals exceed or can reasonably be expected to exceed the permissible exposure limit prescribed in paragraph (c) of this section.

(2) *Demarcation.* The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals in excess of the permissible exposure limit.

(3) *Access.* Access to regulated areas shall be limited to authorized persons or to persons authorized by the Act or regulations issued pursuant thereto.

(4) *Respirators.* All persons entering a regulated area shall be supplied with a respirator, selected in accordance with paragraph (h)(2) of this section.

(5) *Prohibited activities.* The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated area.

(6) *Requirements for asbestos removal, demolition, and renovation operations.* (i) Wherever feasible, the employer shall establish negative-pressure enclosures before commencing removal, demolition, and renovation operations.

(ii) The employer shall designate a competent person to perform or supervise the following duties:

(A) Set up the enclosure;

(B) Ensure the integrity of the enclosure;

(C) Control entry to and exit from the enclosure;

(D) Supervise all employee exposure monitoring required by this section;

(E) Ensure that employees working within the enclosure wear protective clothing and respirators as required by paragraphs (i) and (h) of this section; and

(F) Ensure that employees are trained in the use of engineering controls, work practices and personal protective equipment;

(G) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in paragraph (j) of this section; and

(H) Ensure that engineering controls are functioning properly.

(iii) In addition to the qualifications specified in paragraph (b) of this section, the competent person shall be trained in all aspects of asbestos, tremolite, anthophyllite, or actinolite abatement, the contents of this standard, the identification of asbestos, tremolite, anthophyllite, or actinolite and their removal procedures, and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course, such as a course conducted by an EPA Asbestos Training Center, or an equivalent course.

(iv) *Exception:* For small-scale, short-duration operations, such as pipe repair, valve replacement, installing electrical conduits, installing or removing dry wall, roofing and other general building maintenance or renovation, the employer is not required to comply with the requirements of paragraph (e)(6) of this section.

(f) *Exposure monitoring*—(1) *General.* (i) Each employer who has a workplace or work operation covered by this standard shall perform monitoring to determine accurately the airborne concentrations of asbestos, tremolite, anthophyllite, actinolite or a combination of these minerals to which employees may be exposed.

(ii) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the 8-hour TWA of each employee.

(iii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for employees in each work area.

(2) *Initial monitoring.* (i) Each employer who has a workplace or work operation covered by this standard, except as provided for in paragraphs (f)(2)(ii) and (f)(2)(iii) of this section, shall perform initial monitoring at the initiation of each asbestos, tremolite, anthophyllite, actinolite job to accurately determine the airborne concentrations of asbestos, tremolite, anthophyllite, or actinolite to which employees may be exposed.

(ii) The employer may demonstrate that employee exposures are below the action level by means of objective data demonstrating that the product or material containing asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals cannot release airborne fibers in concentrations exceeding the action level under those work conditions having the greatest potential for releasing asbestos, tremolite, anthophyllite, or actinolite.

(iii) Where the employer has monitored each asbestos, tremolite, anthophyllite, or actinolite job, and the data were obtained during work operations conducted under workplace conditions closely resembling the processes, type of material, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of paragraph (f)(2)(i) of this section.

(3) *Periodic monitoring within regulated areas.* The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. *Exception.* When all employees within a regulated area are equipped with supplied-air respirators operated in the positive-pressure mode, the employer may dispense with the daily monitoring required by this paragraph.

(4) *Termination of monitoring.* If the periodic monitoring required by paragraph (f)(3) of this section reveals that employee exposures, as indicated by statistically reliable measurements, are below the action level, the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(5) *Method of monitoring.* (i) All samples taken to satisfy the monitoring requirements of paragraph (f) of this section shall be personal samples

Union Carbide trial exhibit UC-1898: J. H. Smith to R. W. Lasher on Asbestos Removal at Brownsville, with Federal... Published by AsbestosClaims.Law
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