PLAINTIFF'S EXHIBIT

UC-2091

UNION CARBIDE CORPORATION
OLD RIDGEBURY ROAD, DANBURY CONN 06817
LAW DEPARTMENT

January 27, 1987

To: C. R. Rotthoff

From: D. R. Crowell II

Re: Use of Negative Pressure Enclosures for Asbestos Operations

After our telephone conversation yesterday, I spoke with Bob Ondocsin about the two issues you has raised, i.e., whether a negative pressure enclosure must always be used for reapplication of mastic to asbestos covered containers and whether a negative pressure enclosure is required where the use of wetting techniques reduces airborne concentrations below the action level of 0.1 fiber per cubic meter.

The clear intent expressed by OSHA has been that if asbestos is involved, there is a heavy burden on the employer to demonstrate the standard's inapplicability. With respect to the second issue, Bob agreed that his understanding of OSHA's position was that reductions below the action level by the use of wetting techniques or other procedures does not exempt such situations from the coverage of the asbestos standard.

Similarly, the first issue raises a presumption of the applicability of the standard's provisions for engineering controls. It is my understanding that the specific operation you had in mind was the application of mastic over existing mastic that encapsulates asbestos insulation on process vessels and pipelines. While the specific operation involved may have far less probability of resulting in impermissible airborne concentrations of asbestos than would other types of repair work, very detailed monitoring data will be required to demonstrate that the application of new mastic to repair cracks in the old mastic does not result in the action level being exceeded.

Unless monitoring demonstrates that the action level will not be acceded, engineering and administrative controls will be required for such operations, i.e., negative pressure enclosures and the associated decontamination areas, or for small jobs, glove bags.

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OSHA has reiterated in public forums the breadth of coverage stated in the Preamble to the standard, i.e., all "occupational exposures." Bob's memorandum and attachments of January 15, 1987 (copy attached) reflect OSHA's intention to broadly interpret the standard's coverage and strictly apply its protective provisions. These facts, coupled with the well-documented and well-recognized hazards associated with asbestos dictate that any determination that the standard is inapplicable be carefully scrutinized and scrupulously documented.

DRC/ce

Enclosure

cc: N. E. Bolton
S. E. Hine
M. G. Manetti
R. D. Ondocsin
B. L. White

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ASBESTOS ABATEMENT TOPICS

1. NEGATIVE PRESSURE ENCLOSURE

2. HYGIENE FACILITIES

3. GLOVE BAG USAGE

4. COMPETENT PERSON

5. MINI-ENCLOSURES - does not require containment

UCC 006364

Regulated Areas (Cont.)

- Negative Pressure Enclosures Wherever Feasible
- Competent Person Required To Supervise / Ensure
  - Set-Up of Enclosure
  - Check Integrity of Enclosure
  - Control Personnel Access
  - Employee Exposure Monitoring
  - Wearing of Respirators and Protective Clothing
  - Employees Trained in Use of Controls and PPE
  - Decontamination Procedures Followed
  - Operation of Engineering Controls

Large Scale Jobs only

UCC 006365

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Regulated Areas (Cont.)

- Qualifications of Competent Person
  - Must Have Comprehensive Training in Asbestos Abatement
  - Completion of Course Conducted by EPA Asbestos Training Center or Equivalent

UCC 006366

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