LK Standard Paint & Varnish

Calidria

PLAINTIFF'S EXHIBIT

UC-3547

or T. P. Morris
W. C. Thurber
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KC-File
NF-File

UNION CARBIDE CORPORATION
P.O. Box 579 Niagara Falls, N.Y. 14302

By H. B. Rhodes ✓

Date 11/13/74

Full Name Standard Paint & Varnish Address Harvey, LA Mfrs. of Epoxy Marine Paints	Interviewed Mr. Fred Kinsler - Technical Director (Telecon)

OBJECTIVE

Return customer's telephone call at his request.

OBSERVATIONS

Walked into a real beauty here. Mr. Kinsler was in the process of having an OSHA inspection and he wanted me to get on the phone to "explain the OSHA asbestos regulations to the inspector."

I talked at some length with the inspector Steve Herron who sounded quite young. He wanted to know whether RG-244 was asbestos and I could only admit that it was. He wanted to know about dust levels on handling and particularly around warehouse locations with emphasis on the need for signs.

Told him we had monitored 10-15 dumping situations for RG-244 usually without special ventilation and were generally well below the limit, usually around 1-2 fibers/cc. We had not monitored warehouse activities to any extent but the bags were polyethylene overwrapped. Also that RG-244 tended to give airborne dust counts 1/2 to 1/3 those of conventional asbestos in comparable handling situations. His comment was that he would note this in his report but I don't think he really bought it. They will probably get a citation for no signs.

I finished up with a short conversation with Fred Kinsler. He seemed to have calmed down somewhat and requested me send him another copy of our dust count report since he could not locate his.

ACTION

JEW Follow up with Fred in a week or so to prevent further panic. The size of our problem here will depend on the OSHA report.

HBR Send copy of dust counts. (Done 11/14/74)

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HBR Comment:

Standard Paint & Varnish were citied for not having signs and a number of other picky items. They say they will contest the citations.

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UCC 007466

V. Baker and Taylor, Texas

The information below was received verbally from Montello. A Baker and Taylor drilling rig was inspected by OSHA. He found a broken step (for which he issued a citation) and asbestos on location. He did not take any air samples. He told them that if they used asbestos they must:

1. Put up warning signs where the asbestos is stored and on the rig where it is used.

2. Provide the men with special clothing.

3. Notify the laundry where the special clothing is sent so they could also put up signs.

4. Be faced with heavy fines if they didn't comply.

Baker and Taylors current position is:

1. They will provide details to Wyatt when he makes a personal visit.

2. They do not want to be party to any litigation.

3. There will be no more Supervisbestos used on Baker and Taylor rigs until the "Mickey Mousing" is straightened up.

VI. Added Note to Mr. Morgan

The sign posting requirement noted in IV and V seems to be a favorite of the inspectors these days, some cases in ridiculous extremes.

The regulations says that signs must be posted "... where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in paragraph (b) ..."

It concludes, "Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers."

The intent of the paragraph is clearly to protect the unsuspecting worker form entering areas where he can be exposed to concentrations over the allowable limits. At least some of the inspectors are taking it to mean any place asbestos is present, regardless of the chance that the limits will be exceeded. Your comments are solicited.

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Attachment II

Possible Action on OSHA "Overenforcement" Question

The course listed below could be followed by Union Carbide Corp. acting alone or via AIA/NA if they chose to spearhead it. The AIA/NA route seems to have more potential clout if it can be moved forward rapidly enough.

1. Assemble the facts now on hand plus whatever others are available from AIA/NA members and set up a meeting with the senior OSHA enforcement people in Washington.

2. Take a low key position with OSHA that these are isolated incidents but are becoming numerous enough to cause real concern. Ask them the question what should be one about it. Our objective would be to have them put out a clarifying directive to the field enforcement offices.

3. We could instead go to the field offices but I suspect would only be referred back to Washington.

Added Note:

It becomes evident on reviewing what facts we now have on these incidents that there are really two types of problem:

1. Where the inspector makes threats or misleads the user on what he must do to comply.

2. Where there is a reasonable difference of opinion such as the sign posting situation and may be actual citations to contend with.

We need to decide how to handle both situations.

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