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OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

DOCUMENTS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON HEALTH AND SAFETY

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

HEARINGS HELD IN WASHINGTON, D.C., ON
MAY 14, 23; JUNE 5, 12; JULY 16, 23; AND SEPTEMBER 12, 1979

Printed for the use of the Committee on Education and Labor



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OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

MONDAY, MAY 14, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2261, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Bailey, and Edwards.

Staff present: Paul F. Dwyer, counsel; Rebecca Davis, research assistant; Edith Baum, minority counsel for labor; Dorothy Strunk, minority legislative associate.

Mr. GAYDOS. The committee will be in order.

This morning we are continuing with our oversight hearings into the occupational safety and health of the Federal employee.

Appearing before the subcommittee this morning are representatives of the Metal Trades Department, AFL–CIO.

At this time I wish to welcome, on behalf of the subcommittee, Mr. Saul S. Stein, research and education director of the Metal Trades Department of the AFL–CIO, and Mr. Robert L. Crum, international representative of the International Brotherhood of Electrical Workers, AFL–CIO.

Welcome to the subcommittee, gentlemen.

We have your statement and, without objection, your statement will be admitted into the record as presented, unless you have an alternative.

Outside of that, you may present your views as you would like to and if you will allow us to interrupt you during your presentation.

Welcome, and thank you for appearing.

[Prepared statement of Metal Trades Department follows:]

STATEMENT OF THE METAL TRADES DEPARTMENT, AFL–CIO

Mr. Chairman and members of the subcommittee, my name is Saul S. Stein, and I am the research and education director of the Metal Trades Department of the AFL–CIO with offices in the AFL–CIO Building, 815 16th Street, N.W., Washington, D.C. 20006. Accompanying me before the subcommittee is Robert L. Crum, international representative of the International Brotherhood of Electrical Workers, AFL–CIO, an affiliate of the metal trades department.

Twenty-three national and international unions with a total membership of five million are affiliated with the metal trades department. Over 650,000 workers in private industry and Federal establishments work under contracts negotiated by metal trades department councils. The number of Federal workers represented by our local metal trades councils is approximately 63,000 and are employed by the various Government agencies at installations throughout the United States, with the preponderance of such workers employed at the eight United States naval shipyards.

At the outset may I extend to the chairman and members of the subcommittee, our thanks and appreciation for the opportunity of presenting testimony on the Federal employee health and safety program.

Inasmuch as the preponderance of Federal workers who are represented by our local Federal metal trades councils are employed by the Department of the Navy, I shall concentrate my testimony to the area of safety and health as it applies to the naval shipyards of our Nation.

All of our naval shipyard Federal metal trades councils are parties to negotiated agreements, pursuant to Title VII of the Civil Service Reform Act of 1978, Federal service labor-management relations, with their respective naval shipyard management. Each agreement contains specific articles and clauses, mutually agreed to by the parties, on the subject of safety and health. Upon review of each of the contractual articles on safety and health, one would surmise that the language therein provides a proper and efficient method of protecting the health and safety of the workers covered by such agreements. Five of the eight agreements contain clauses that relate to section 19 of the Occupational Safety and Health Act as follows:

"The employer will provide and maintain safe working conditions and industrial health protection for the employees using Public Law 91–596, OSHA, and appropriate regulations as a guide.

"The employer recognizes that the occupational safety and health act and Executive Order 11807 have specific application to the Federal service and the employer will comply with applicable command regulations issued pertinent to the act and executive order.

"Management recognizes that section 19 of OSHA and Executive Order 11807 have specific application to the Federal service and management will comply with applicable regulations issued pursuant to the act and executive order.

"The parties agree to reopen negotiations to renegotiate this safety and health article at such time that agency regulations are issued to implement the requirements of Executive Order 11807 and Title 29, Part 1960.

"The employer will make a reasonable effort to provide and maintain safe working conditions and industrial health protection. A program of accident and occupational illness prevention will be maintained consistent with the requirements of higher authority relative to existing regulations and the OSHA of 1970."

We have underlined the aforementioned quoted contractual language to bring to your attention the manner as to how the language is couched and what it means to our Federal employee metal trades council representatives. It means that our constituents are familiar with section 19 of the act and that it specifically excludes any enforcement procedures to better improve the implementation of the act to the benefit of the health and safety of the Federal worker and provide them with equal protection as enjoyed by their counterparts in private industry under the statute.

As an example as to whether or not the safety and health programs are functioning properly in the naval shipyards, allow me to quote excerpts from correspondence received by the metal trades department concerning such a program at one of the naval shipyards:

"The Bremerton Metal Trades Council represents over 10,000 civilian Federal employees in the Puget Sound area of Washington State. We are deeply concerned regarding the unfair treatment and lack of human compassion our coworkers receive from Federal management at Puget Sound Naval Shipyard and other nearby naval facilities whose employees fall within our jurisdiction.

"We are outlining and documenting our serious concerns with regard to the following subjects: (1) lack of proper management practices in the area of industrial safety at Puget Sound Naval Shipyard; (2) misleading safety reports from naval management which deliberately conceal from Congress and the public the true nature of occupational illness and injury costs (in terms of money and human suffering) at Puget Sound Naval Shipyard! (3) harassment

and abuse of employees who have proper complaint and fear regarding unsafe working conditions at Puget Sound Naval Shipyard; (4) systematic violation of the rights provided to employees by the Federal Employees Compensation Act; (5) Systematic violation of the rights of Federal employees who unsuccessfully seek access to their personnel and medical records at Puget Sound Naval Shipyard; (6) systematic harassment and violation of the rights of employees by medical doctors at the shipyard dispensary, an activity under command of the U.S. Naval Regional Medical Center, Puget Sound Naval Shipyard; and (7) systematic harassment, including employment termination, of employees who are disabled—contrary to Federal regulations and human compassion, "With regard to industrial safety, the improper treatment of abestos is, presently, foremost in the mind of Congress and the public. We are deeply concerned by the "ostrich posture" of the Navy which has given all the indications of burying its head in the sand and ignoring the problem of asbestosis. Shipyard management constantly stating safety is foremost in their minds, but continuously allows and encourages unsafe practices. When an employee performs work of a hazardous nature, the shipyard refuses to pay the employee unless he files a grievance. The grievance procedure has proven to be a long and costly avenue to the employee, council and the taxpayer.

"We are also deeply concerned by the fact that the shipyard is not subject to review and inspection by agencies such as OSHA and WISHA, which regularly police industry in the private sector. Consequently, our coworkers lack the same rights of appeal and remedy for unsafe working conditions and careless management as are enjoyed by craftsmen in the private sector. There seems to prevail in the middle management sector of our shipyard, a disregard for Federal regulations and human rights of our unit members. We respectfully request that you call our feelings and concerns to the attention of Congress and the national administration. Hopefully, they will do something about it.

"This letter was put together in a short period of time. We have not meant to ignore the problems of our coworkers at Keyport. The problems there would probably take another chapter.

"I have been assisted in the preparation of this letter and the accompanying material by non-union members, union members, representatives, and consultants to the Bremerton Metal Trades Council. In my view, it properly represents the feelings of the vast number of employees at the shipyard.

"It is fair to this council and its affiliated unions to take pride in the efficiency and quality of the production of our shipyard. We deeply resent "goldbrickers" and "malingers," wherever they exist for they made the rest of us work harder. We are tired of the management posture that implies anyone with a safety complaint or an industrial injury is, per se, such a person. Hopefully, you can convey our message to Congress and advise them we are willing, and capable, in providing more than adequate testimony and documentation to substantiate our complaints. Thank you."

The metal trades department views the preceding as a valid and legitimate complaint in that it not only indicates that the safety and health program at the shipyard is posing problems to the workers, but that our Federal council stands ready to substantiate and document its complaints.

Prior to being appointed as a member of the staff of the metal trades department, I was employed for approximately twenty-five years by the Department of the Navy at the Charleston Naval Shipyard, Charleston, South Carolina. My personal reaction to the aforementioned correspondence prompted me to ask myself—do similar working conditions regarding the safety and health of the workers still prevail today as prevailed during many years of employment at the Charleston Naval Shipyard? The answer may be yes. If there have been any significant improvements to the safety and health programs over the years, then why the correspondence from the representative of the workers employed at the Puget Sound Naval Shipyard?

Another example of possible gross violation of safety and health responsibilities by the Department of Navy is contained in an allegation recently received by the Office of Federal Agency Safety and Health Programs, OSHA. This allegation concerned exposure to asbestos aboard the U.S.S. Ajax at San Diego. An OSHA compliance officer allegedly arrived at the U.S.S. Ajax to inspect private contractors removing asbestos from the ship. Shipyard officials required that the inspector be readmitted in accordance with DOD procedures (contained in DOD instruction number 1000.18, dated June 29, 1976). The OSHA inspector reboarded

four hours later, after establishing his credentials with 11th Naval District Headquarters. During the inspectors absence the prviate contractor employees allegedly were removed from the Ajax and replaced by uniformed Navy personnel who completed the operation without any respiratory protection whatsoever prior to the inspector's return.

Since jurisdiction over Federal employees, both military and civilian, is not divided, the Office of Federal Agency Safety and Health Programs, OSHA, has requested that the Deputy Assistant Secretary of Defense for Energy, Environment and Safety investigate to determine if private contractor, or Federal employees have been exposed to unhealthful levels of asbestos on the U.S.S. Ajax.

Our Federal councils are being smothered by numerous guidelines, rules and regulations issued by the Department of Defense, the Department of the Navy and other Government agencies allegedly expounding their dedicated interest of safety and health on the job. Such voluminous materials may appear to promote safety and health procedures, but of what value nad benefit are they if the proponents of such guidelines, rules and regulations fail to promulgate them, not only in their best interest but in the best interest of the workers who deem safety and health as the essential ingredient towards their careers and livelihood as employees of the Department of the Navy.

The metal trades department is cognizant that a proposed new Executive order, pursuant to the OSHA, is pending in the Office of Management and Budget. We are also aware that the draft may contain certain improvements over previous Presidential directives such as, representatives of the Department of Labor would be permitted to make "on-site" inspections of unsafe or unhealthy conditions in Federal installations, and that participation by unions in the "on-site" inspections would be authorized. However, we are also aware that the most significant element necessary to provide that the Department of Labor's OSHA inspections are fully operational is not included in the draft—and that is enforcement procedures.

At this time Mr. Chairman I want you to know that the metal trades department endorses and supports the testimony previously given to this committee by the public employees department, and the American Federation of Government Employees.

The proposed Executive order depends on the same provisions for enforcement as the previous and the current Executive order depends on. That is complete and persevering commitment to the program by the White House, and the responsible agency officials at all levels clear down to the work place. The second provision is disclosure. The level of commitment to the program has never been forthcoming. To the contrary, there has been neglect of the Federal program, and this neglect has reached its lowest ebb in the last few years. The second provision, disclosure, has been fulfilled in many respects, i.e.—the two GAO reports, the report and recomendations of the interagency task force on work place safety and health, and the report of the House Manpower and Housing Subcommittee. The most important aspect of the disclosure provision, however, has not been effectively utilized. That is the annual report and recommendations by the Secretary of Labor to the President, which the President in turn transmits to Congress. The report and recommendations by the Secretary of Labor to the President are based on the reports the agencies are required to make to the Secretary by section 19 of the act, and the evaluations made by the Office of Federal Agency Safety Program, OSHA, of the agency's program. The committee that developed the criteria for these evaluations spent over one year in doing so. The availability of the criteria was published in the Federal Register soliciting agency comments (about early 1977).

Comments were received but the approved document has never been published in the Federal Register. This is an example of the inertia of the Federal programs referred to by an earlier witness before this committee. The OFASP nevertheless has utilized the criteria developed by the committee since 1977. The important point is that if the Congress is to know the state of the various agency programs they must have the report transmitted to them on a timely and regular basis. This has not been done but twice since 1971. The last report was for calendar year 1976 and was made in 1978. Since these reports are vital to the development of the Federal programs, what about the Department of Labor's evaluations that are an essential element of the reports? The current Executive order requires that these evaluations shall be conducted at least once annually for agencies employing more than 1,000 persons, and as deemed appropriate by

the Secretary for other agencies. The Office of Federal Agency Safety Programs never had the resources or staff to meet this responsibility. For instance, in March of 1978 two reports of evaluation were transmitted. The next report was not transmitted until March of 1979. Additional staff is obviously needed for this vital function. Instead of authorizing more manpower, however, the fiscal 1980 budget cuts the manpower from 26 to 15.

Examination of the proposed Executive order reveals that the requirement for evaluations has been watered down. This is another example of the erosion of the Federal program and the low priority assigned to it.

It is essential then that the proposed Executive order must have provisions providing for enforcement of section 19 as promulgated by 29 CFR 1960. We cannot conceive that the Government of the United States would effectuate, to those Federal workers who have dedicated their lives and careers to their own Government, a safety and health program that would continue to deny them their proper recognition as citizens and employees of the Federal Government by advocating such a program which lacked enforcement. It is crucial to their well-being that they not be deprived of a realistic and acceptable safety and health program that would enhance their productivity and ability to serve our Nation.

STATEMENTS OF SAUL S. STEIN, RESEARCH AND EDUCATION DIRECTOR OF THE METAL TRADES DEPARTMENT OF THE AFL–CIO; AND ROBERT L. CRUM, INTERNATIONAL REPRESENTATIVE OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL–CIO

Mr. STEIN. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, my name is Saul S. Stein, and I am the research and education director of the Metal Trades Department of the AFL–CIO, with offices in the AFL–CIO Building, 815 16th Street NW., Washington, D.C.

Accompanying me before the subcommittee is Robert L. Crum, international representative of the International Brotherhood of Electrical Workers, AFL–CIO, an affiliate of the Metal Trades Department.

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We are outlining and documenting our serious concerns with regard to the following subjects:

(1) Lack of proper management practices in the area of industrial safety at Puget Sound Naval Shipyard;

(2) Misleading safety reports from Naval management which deliberately conceal from the Congress and the public the true nature of occupational illness and injury costs, in terms of money and human suffering, at Puget Sound Naval Shipyard;

(3) Harassment and abuse of employees who have proper complaint and fear regarding unsafe working conditions at Puget Sound Naval Shipyard;

(4) Systematic violation of the rights provided to employees by the Federal Employees Compensation Act;

(5) Systematic violation of the rights of Federal employees who unsuccessfully seek access to their personnel and medical records at Puget Sound Naval Shipyard;

(6) Systematic harassment and violation of the rights of employees by medical doctors at the Shipyard Dispensary, an activity under command of the U.S. Naval Regional Medical Center, Puget Sound Naval Shipyard; and

(7) Systematic harassment, including employment termination, of employees who are disabled, contrary to Federal regulations and human compassion. With regard to industrial safety, the improper treatment of asbestos is, presently, foremost in the mind of Congress and the public. We are deeply concerned by the "ostrich posture" of the Navy which has given all the indications of burying its head in the sand and ignoring the problems of asbestosis.

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I have been assisted in the preparation of this letter and the accompanying material by non-union members, union members, representatives, and consultants to the Bremerton Metal Trades Council. In my view, it properly represents the feelings of the vast number of employees at the shipyard.

It is fair to this Council and its affiliated unions to take pride in the efficiency and quality of the production of our shipyard. We deeply resent "goldbrickers" and "malingerers," wherever they exist for they make the rest of us work harder. We are tired of the management posture that implies anyone with a safety complaint or an industrial injury, is, per se, such a person.

Hopefully, you can convey our message to Congress and advise them we are willing and capable, in providing more than adequate testimony and documentation to substantiate our complaints.

Thank you very much.

Mr. Chairman, the regional letter was signed by the president of our Bremerton Metal Trades Council in Bremerton, Wash.

The Metal Trades Department views the preceding as a valid and legitimate complaint in that it not only indicates that the safety and health program at the shipyard is posing problems to the workers, but that our Federal Council stands ready to substantiate and document its complaints.

Prior to being appointed as a member of the staff of the Metal Trades Department, I was employed for approximately 25 years by the Department of the Navy at the Charleston Naval Shipyard, Charleston, S.C.

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Do similar working conditions regarding the safety and health of the workers still prevail today as prevailed during many years of employment at the Charleston Naval Shipyard?

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The Metal Trades Department is cognizant that a proposed new Executive order, pursuant to the OSHA, is pending in the Office of Management and Budget. We are also aware that the draft may contain certain improvements over previous presidential directives, such as, representatives of the Department of Labor would be permitted to make "onsite" inspections of unsafe or unhealthy conditions in Federal installation, and that participation by unions in the "onsite" inspections would be authorized.

However, we are also aware that the most significant element necessary to provide that the Department of Labor's OSHA inspections are fully operational is not included in the draft, and that is enforcement procedures.

At this time, Mr. Chairman, I want you to know that the Metal Trades Department endorses and supports the testimony previously given to this committee by the Public Employees Department, and the American Federation of Government Employees.

The proposed Executive order depends on the same provisions for enforcement as the previous and the current Executive order depends on. That is complete and persevering commitment to the program by

the White House and the responsible agency officials at all levels clear down to the workplace.

The second provision is disclosure. The level of commitment to the program has never been forthcoming. To the contrary, there has been neglect of the Federal program, and this neglect has reached its lowest ebb in the last few years.

The second provision, disclosure, has been fulfilled in many respects; that is, the two GAO reports, the report and recommendations of the Interagency Task Force on Workplace Safety and Health, and the report of the House Manpower and Housing Subcommittee.

The most important aspect of the disclosure provision, however, has not been effectively utilized. That is the annual report and recommendations by the Secretary of Labor to the President, which the President in turn transmits to Congress. The report and recommendations by the Secretary of Labor to the President are based on the reports the agencies are required to make to the Secretary by section 19 of the act, and the evaluations made by the Office of Federal Agency Safety Program, OSHA, of the agency's program.

The committee that developed the criteria for these evaluations spent over 1 year in doing so. The availability of the criteria was published in the Federal Register soliciting agency comments about early 1977. Comments were received, but the approved document has never been published in the Federal Register.

This is an example of the inertia of the Federal programs referred to by an earlier witness before this committee. The OFASP nevertheless has utilized the criteria developed by the committee since 1977. The important point is that if the Congress is to know the state of the various agency programs, they must have the report transmitted to them on a timely and regular basis.

This has not been done but twice since 1971. The last report was for calendar year 1976 and was made in 1978. Since these reports are vital to the development of the Federal programs, what about the Department of Labor's evaluations that are an essential element of the reports?

The current Executive order requires that these evaluations shall be conducted at least once annually for agencies employing more than 1,000 persons, and as deemed appropriate by the Secretary for other agencies.

The Office of Federal Agency Safety Programs never had the resources or staff to meet this responsibility. For instance, in May 1978 two reports of evaluation were transmitted. The next report was not transmitted until March 1979. Additional staff is obviously needed for this vital function. Instead of authorizing more manpower, however, the fiscal 1980 budget cuts the manpower from 26 to 15.

Examination of the proposed Executive order reveals that the requirement for evaluations has been watered down. This is another example of the erosion of the Federal program and the low priority assigned to it.

It is essential then that the proposed Executive order must have provisions providing for enforcement of section 19 as promulgated by 29 CFR 1960. We cannot conceive that the Government of the United States would effectuate, to those Federal workers who have dedicated

their lives and careers to their own Government, a safety and health program that would continue to deny them their proper recognition as citizens and employees of the Federal Government by advocating such a program which lacked enforcement.

It is crucial to their well-being that they not be deprived of a realistic and acceptable safety and health program that would enhance their productivity and ability to serve our Nation.

Thank you, Mr. Chairman.

Mr. GAYDOS. Thank you, Mr. Stein, for your appearance and for your statement.

Mr. Bailey, would you care to begin interrogation of the witnesses?

Mr. BAILEY. Thank you, Mr. Chairman.

Mr. Stein, one of the questions that I have, when you got to the end of your statement you got into some things we have had presented to the subcommittee before on criticisms of the Federal program.

I think we all probably share those. What specific recommendations do you have on how to deal with the problem?

We know we have this bifurcated system. Some groups that come in and talk with us would like to see OSHA take over: OSHA simply has the authority to cut across agency lines and treat the Federal Government just like any other private employer.

The difficulty we have there, of course, is enforcement provisions, penalties, and so forth. Do you have any specific recommendations?

Mr. STEIN. We do feel OSHA should have the authority to conduct onsite inspections and enforce any unsafe conditions they find in the various Government installations.

The problem you have today in the naval shipyards themselves is the fact that whatever you read in the contractual agreement it's all in-house. They do have joint safety committees; they do have joint safety inspections, but the end result of it is it goes no further than the person that is delegated as the head of the safety department and it dies right there.

Many of our people have had to file grievances on safety matters and, of course, going through a grievance procedure takes a certain period of time.

Mr. BAILEY. How does the safety committee function specifically at a naval shipyard or yards?

Mr. STEIN. Well, they have certain times, perhaps once or twice a month, a group of management representatives and labor representatives who would take an onsite tour around the shipyard in a shop building or a ship and cite those safety violations they see and present them to another committee composed of management and labor who are supposed to enforce the safety violations.

Mr. BAILEY. Of course, the difference between that and a private yard would be there is no right to strike; you can't walk off the job there or anything like that.

Mr. STEIN. Yes, sir. I understand what the law says. But there are certain situations that have occurred and are still occurring in the Naval shipyards that are posing problems to our people.

Mr. BAILEY. Can you be more specific as to the treatment or supression or impression or call it what you will, of somebody, who complains, you mentioned throughout the statement.

Could you be a little more detailed? Or you mention the one statement you have in here. Could you possibly get us more detailed information on that?

Mr. STEIN. Well, for example, you could take a situation where an employee is told by his supervisor to get on a certain job and perform this kind of work and so forth and so on, and the employee might approach that supervisor and say, wait a minute, I don't think that staging is safe or I don't think there is enough ventilation in that compartment, or other reasons.

But the fact remains that supervisors and, of course, you have to understand the supervisors in naval shipyards to really comprehend what I am saying, that supervisor is capable of telling that employee you get on that job and don't worry about the safety part of it, I will take care of it later.

If that employee refuses he is subject to disciplinary action for refusing the order of a supervisor. It's as simple as that. So by virtue of this type of method, they are supressing the people.

Mr. BAILEY. How does that fit in with the power of that safety committee? In other words, that safety committee is just sort of like a paper tiger, so to speak, then?

Mr. STEIN. I would be inclined to agree with you.

Mr. BAILEY. How do you solve or what recommendations do you have for correcting that? You have AFL–CIO representatives in that safety committee. How is it structured?

Mr. STEIN. It's in-house, Mr. Bailey. It is composed of people that work inside that particular installation.

Mr. BAILEY. Some of those are your people that are on the committee?

Mr. STEIN. That's correct, but they are employees of the Department of Navy and they have no authority on their own to enforce other than perhaps filing a grievance.

Mr. BAILEY. How often do the committees meet? How often do they get together?

Mr. STEIN. It depends upon the language of the contracts. I do have with me copies of the actual articles that I was quoting from, and you will find in there that they vary in numbers and in tours of the installation and the number of committees and the various levels that they have to go through to try to get something done about an unsafe working condition.

Mr. BAILEY. Going back to the recommendations you have, how do you solve these problems; what are your ideas; what would you recommend or have us do?

Mr. STEIN. I would certainly recommend that the Executive order pending right now be amended to includet enforcement procedures. Our people need somewhere to go for resolution of unsafe working conditions.

Mr. BAILEY. Let's talk about that a second, the enforcement procedure. We had Ken Blaylock in here last week. He had some ideas.

What you recommend we do with enforcement procedures from the private sector is relatively easy, we know that; you have civil penalties that you can slap a corporation with and that affects the whole management approach. We all know what the problem is here.

Obviously, it's just atrociously poor management emphasis in response to the safety problem. They just don't care; they simply don't care to take the time.

Do you have some ideas on how you would enforce them? What would you do?

Mr. STEIN. I think Bob would like to address that.

Mr. CRUM. I would like to make a few remarks relative to that problem because, as a member, one of the labor members of FACOSH. In our review of the Executive order we discuss certain possibilities or alternatives which seemed to be very elusive and I want the committee to know that in the development of 1960 this problem was brought up and there is a very weak clause in the part 1960.19 which states:

> The head of each agency should ensure that in any evaluation of performance or potential, the excellence or culpable failure of each official in charge of an establishment, supervisory employe or other employee in the performance of his or her occupational safety and health responsibilities be taken into consideration in accordance with any applicable rules of the Civil Service Commissioner other appropriate authority.

Now, that's No. 1.

This is a pretty weak clause and has never been of much use. The most use, my understanding is, that was made, is in the evaluation of the employee so far as his health or safety responsibilities were concerned.

But, nevertheless, the problem was recognized when we developed part 1960, that it was going to be difficult to enforce.

Now, I was here when Mr. Blaylock testified the other day, and he mentioned the possibility of withholding the bonus of the employee who had culpable failure.

Mr. BAILEY. You mean management?

Mr. CRUM. Well, the management employee.

Mr. BAILEY. OK.

Mr. CRUM. And I would think that we could extend that to deny promotion, perhaps provide demotion, or perhaps deny retention, depending on the seriousness of the violation.

We also thought in terms of perhaps amending section 19 to provide the application of section 17, I believe it's E and F of section 17 which provides for criminal penalties.

But that didn't get too much support. It does not seem it would be effective and it would be very difficult with tort acts and so forth.

Mr. BAILEY. Let me ask you this because I don't know the answer; maybe counsel does, I dont' know. Is there any action an employee can bring by the common law, let's say, some type of tort action for negotiations on the part of the official?

Has it ever been tried? Has there ever been a case where an individual brought a claim or does the Federal Tort Claims Act deny that in jurisdiction in that case?

What are we dealing with here; do you know?

Mr. CRUM. The only claims I know of offhand would be those third party suits that have been instigated surrounding asbestos.

Mr. BAILEY. What has happened there?

Mr. CRUM. Well, some of their suits are successful and, of course, some of them are not.

Mr. BAILEY. I have seen some of the asbestos claims even on the part of the former naval shipyard workers. Some of those have been successful, at least the Federal courts have accepted those. I don't know if that took a statutory change or if the courts just granted that action; do you know?

Mr. CRUM. That is the only recourse the employee has at this time. He normally cannot sue the Government.

Mr. BAILEY. But you don't know of a case where an employee who was injured on the job, who brought a negligence action based on this section, which just says the "language should, should, should"; you don't know of any case where an employee brought an action against or whether or not he could?

Mr. CRUM. You do have those problems and I don't know of any personally, but there is no doubt in my mind that there has been at least one. And I would like to refer the committee to a document that I have that was issued by the Naval Legal Services Office in Norfolk, Va.

It was provided to the Federal Safety Council of the Hampton Roads area down in Norfolk, and this is a cover letter to the members of the Hampton Roads Chapter of the Federal Safety Council:

1. With all of the recent publicity of safety professionals being sued, the Naval Legal Service Offices, Norfolk, was requested to research the possibility of a Federal employee (management) being sued for damages in case an employee was injured occupationally.
2. The answer is yes, we can be sued. This attached report is a must on your reading schedule.

Mr. BAILEY. Could we have a copy of that? Could that be placed in the record, Mr. Chairman?

Mr. GAYDOS. What is the request, Mr. Bailey?

Mr. BAILEY. Do we have this document; this might have quite a bearing on what we are trying to get at here. Apparently, it's a legal opinion you say by the Navy's legal department on whether or not a Federal management employee could be sued by a Federal worker as a result of negotiations in the handling of a safety problem on the job, personal damages.

Mr. GAYDOS. May I inquire, is that an interdepartmental communique? Who issued it, and what is the date?

Mr. CRUM. It's from the officer in charge of the Naval Legal Service Office, naval base in Norfolk, Va., to the Commanding Officer, Norfolk, Va., Naval Shipyard.

Mr. GAYDOS. Is there a date on there?

Mr. CRUM. July 19, 1976.

Mr. GAYDOS. Without objection, the document as identified by the witness will be part of the permanent record in these proceedings.

No objection; it is so ordered.

[The information referred to above appears in the appendix.]

Mr. BAILEY. Thank you, Mr. Chairman.

Mr. CRUM. Mr. Bailey, this decision is correct; I mean, assumed correct, but it also points out that it would be very difficult, it would be very difficult to make a case stick; it also points out that probably if you did, the defendant would not have the resources to pay the claims that would be justified by the plaintiff's suing him.

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Also, that to the extent he could furnish the assets and get a judgment in that respect, then there would probably be a private bill to relieve him by the Government.

Mr. BAILEY. That is true, but, of course, if you could somehow write criteria that spceifically defined responsibilities enough as a starting point, you provide a much better legal basis or bed for that employee who is suing, do you not?

Mr. CRUM. Yes, sir, that is correct, and I was getting ready, I am not a lawyer, but I did meet with one of our attorneys and I expressed the problem.

He had a very short time to take a look at it. We discussed the pros and cons, including this opinion and including the possibility of amending it to provide for criminal penalties, and we disregarded those as being effective and we would have a suggestion.

I would read from this memorandum to me from him. I will paraphrase it, if it's all right.

I suggest that procedures be adopted which are analogous to the enforcement procedures currently provided for in section 9, 10 A and C, and 11 of OSHA.

Adoption of such procedures would provide for the issuance by the Secretary of Labor of citations for alleged violations of the requirements of section 5 of the act, any standards, rules or order promulgated pursuant to section 6 of the act or any regulations prescribed by the Secretary pursuant to the act.

Now, we talk about section 5 and I remind the committee that the preamble to section 19 is analogous to section 5, which is the general duties provision of the act.

Mr. BAILEY. Did he make any recommendation in there about the admissibility of those citations in a civil proceeding, just in case?

Mr. CRUM. Well, let me finish it and perhaps it will answer your question.

Mr. BAILEY. OK.

Mr. CRUM. Moreover, it would provide that the Federal agency cited for violations of the act would have the opportunity to contest the citation and have a right to a hearing before an administrative law judge.

Assuming that a violation is found by the administrative law judge, the agency would be permitted to appeal the findings to the Occupational Safety and Health Review Commission the same as any other employer.

Thereafter the cited agency or the Secretary of Labor, could, pursuant to a section 11 of the act, seek judicial review of the Commission's findings in the appropriate court of appeals.

Now, it's very important that this appeal procedure be put in there because it's bad enough one agency trying to tell another agency what to do. The agencies will resist. This is one of their main problems with the 1974 amendments to the FECA. That is, that the agency who is going to have to pay the bill back to the Department of Labor for whatever remedial action that they take regarding the employee's case have no way really to put their case forward.

They have no forum. The Department of Labor decision is final.

They have started utilizing, of course, the fitness for duty provision that was in the Federal personnel manual. However, even though they submit that, the decision is still up to the Department of Labor.

Now, you will notice I omitted reference to section 10–B which provides that the Secretary may enforce penalties against the cited employer. We both agreed in our discussions yesterday that imposition of civil penalties would not be appropriate between dealings with a Federal agency.

Instead, I propose that a provision be included in these procedures which would specifically state that if the cited Federal agency arbitrarily or capriciously fails to comply with an order issued by the Secretary of Labor, any employee who has been exposed to the hazards cited by the Secretary or the representative of such employer, might bring an action against the head of the cited Federal agency, U.S. District Court for the district in which the cited hazard is alleged to exist or for the District of Columbia for a writ of mandamus to compel the cited Federal agency to comply with the Secretary of Labor's order. and for such further relief as may be appropriate.

This procedure is similar to the procedure provided for in the section 13D of OSHA, which confers upon employees or their representatives the right to seek, to compel the Secretary of Labor to seek relief in order to counteract imminent dangers. This proposal does not require the creation of any new jurisdictional basis for the district courts to consider employee complaints.

Title 28 of the United States Code, section 1361 confers upon district courts the jurisdiction to consider complaints such as that described in the paragraph above.

This is a concept; it may not be, there may be some holes in it somewhere. But I think basically all we are doing is suggesting procedures to provide for the Secretary of Labor to cite a violation when he goes in there, set up a time frame for the imminent danger to be abated, or issue a cease-and-desist order.

The agency would then have the right to appeal and then after the violation is upheld, if the agency does not comply, then the employer or his representative could take the head of the agency to court.

Mr. BAILEY. The injunction recommendations are probably available as of right now in some ways, but that is a little bit of a departure maybe from the original point we were getting at, which is some way to get the individual, attach some penalty to him, and then to meet any kind of constitutional requirement, naturally, you would have to have some type of notice provision in there to make sure he knows the management individual is aware of his responsibilities. You would have to be pretty finite there.

Then you get to the problem you alluded to earlier, and that is who is going to do the citing; where is the authority; the enforcement authority is to begin with, the policing authority originally, and that, of course, I realize is a whole different question.

I notice down here there are some other folks that want to ask some questions, but would you like to comment on that briefly and then I will finish up, Mr. Chairman?

Mr. GAYDOS. It's all right; we will come back to you.

Mr. CRUM. All I can say is I don't see any reason why these sorts of procedures, a procedure for the Secretary of Labor or the Department of Labor, if they are going to be given the right to inspect and the right of entry and the right to inspection, there is no reason why they cannot be given the right to cite the agency for violations when they find them.

Mr. BAILEY. No; that is OK. All I am saying is I am trying to divide it up into three different things basically. No. 1 is to write some type of regulation and responsibility in the law that gives the injured employee some protection, and I am talking about a right to damages and to personal damages perhaps that makes that individual on the job a joint tort feasor, or whatever, at least puts responsibility on the management official for safety responsibility.

In other words, there are certain basic criteria he has to fulfill which, if he does not, is evidence in some type of civil proceedings against him of negligence, that kind of thing.

Second, this problem that we have all confronted and you fellows know it better than we do, and that is when you sit down and look at the Federal Government and look at what the agency has responsibility for enforcing, what you get is interagency rivalry, jealousy, stay off my turf, you know, this is the basic problem.

There are a number of ways to go after the safety issue, it seems to me. One of them might be creating responsibility on the part of officials who are responsible for a safety program, provided you can construct some type of program that puts the responsibility on him and letting him open as part of his term and condition of employment in that management position, to the possibility of suits from employees who are injured or hurt.

There is a possibility there of doing something in that area. But I am not sure.

Mr. CRUM. Yes, there is. But we have to remember first it's going to be very difficult to see or prove that the action of the management personnel that led to the injury of the person was not within his regular job duties.

Two, in seeking remedial relief, the employee is covered by FECA so far as that part is concerned, so he already has relief there.

Mr. BAILEY. I am just looking for some way to tag that person in the management position with some responsibility because that is really the weak link in this whole thing.

Mr. CRUM. First, you have to cite him and have it brought to the attention. That is my opinion.

Mr. BAILEY. I have finished, Mr. Chairman.

Thank you very much.

Mr. GAYDOS. Thank you very much, Mr. Bailey.

Mr. Edwards?

Mr. EDWARDS. Mr. Stein, in looking through the testimony, I was concerned by some of the things you say; in particular in regard to the letter that was introduced as a part of your testimony from the Metal Trades Council in Bremerton.

In my district, in Oklahoma City, where we have Tinker Air Force Base, we have had a serious problem with employees complaining that

the exact same sorts of things are happening in terms of not only neglect of safety requirements but also a pattern of harassment and abuse of employees.

However, to this point, all I have are allegations, and I would like to ask you, since you, in your testimony, stated on page 7 that you believe that the letter that was included in your testimony is a valid complaint and legitimate complaint, there are some statements in there that are rather shocking and I wonder if you could document them for us.

I will go a little further. For example, it says that there are misleading safety reports from naval management which deliberately conceal from Congress the nature of occupational illness and injury costs.

You know, you are making here in this testimony an accusation of management deliberately concealing things from the Congress.

Can you back that up? Can you offer some documentation of what you are talking about?

Mr. STEIN. At the present time, Mr. Edwards, we are expecting from our people at Bremerton documents to substantiate what I testified to. Unfortunately, the mail service is such that it didn't arrive on time, but they are on their way, which I will be glad to give to the committee.

Mr. EDWARDS. All right.

[The information referred to above appears in the appendix.]

Mr. STEIN. In one of your statements, Mr. Edwards, you mentioned that they conceal unsafe acts or accidents to some extent. In my experience, when I worked in a naval shipyard, they had what is called the loss time accident, and the worker could be injured on the job to the extent where he may have to use crutches or a wheelchair and be completely immobilized and they, management, take it upon themselves to go get that worker from home, have him punch in on the clock, spend the day at the worksite and punch out and take him back home.

There is no loss time accident then; he is in a duty status. This happens and has been happening for years. And the unfortunate part about it is nobody sees it on paper.

Mr. EDWARDS. Do you have evidence or can you provide us with evidence of these deliberate attempts to falsify the records as to people?

Mr. STEIN. I am hoping our people at Bremerton will provide this to us, Mr. Edwards, and again you have to realize if they are concealing them, nobody is going to see them.

Mr. EDWARDS. That is true, but you are claiming that they are deliberately being concealed from the Congress and certainly there are people who can testify to it if there are people who have, in fact, been injured and then brought in to clock in and out.

We have people who can testify to this, obviously, so if you can provide that evidence, I would like to have it in the record. It's a very important point in your favor if it's documented. Otherwise, it casts some doubt on the testimony.

You also say in here, or the letter says—which you certify as valid—that there has been a pattern of harassment and abuse of employees who complain.

I am told, as I said, by people in my district that that happens with them, also. I have not yet seen evidence, although I want to go out there and find out. Do you have some evidence of this, of some systematic harassment and abuse of employees who do complain about the violation of these safety standards?

Mr. STEIN. Well, again, I rely on what the contents of the letter said, Mr. Edwards and, again, as soon as these documents arrive, I will be glad to submit them to the committee.

Mr. EDWARDS. Let me ask you one thing that perhaps I am just not familiar enough with.

Mr. STEIN. If I may——

Mr. EDWARDS. Go ahead.

Mr. STEIN. You have to understand what they are looking for out there is some congressional committee to come out there and investigate these allegations. That is what they are looking for.

Mr. EDWARDS. I am totally aware of that, and I think the chairman and I are probably in agreement.

Mr. STEIN. They are not concerned about addressing the safety problem from the management side of the shipyard. They want to give their version of it and produce the documents and facts and people that have been harassed, for example.

Mr. EDWARDS. And I think that is a perfectly reasonable thing to expect. I just am trying to point out when we have testimony that says that there are people anywhere who are deliberately concealing things from the Congress, that that is a fairly significant charge and we ought to try to pin it down.

Let me ask you—this may indicate some lack of knowledge on my part about our contract procedures—but on page 5 in the letter from Bremerton, and I think this is something you would know about, it says when an employee performs work of a hazardous nature, the shipyard refuses to pay the employee unless he files a grievance. Then it says the grievance procedure has proven to be a long and costly avenue, and so forth.

Are you telling us in this or telling me, because maybe the other members of the committee are aware of this, is it standard to have hazardous duty pay provisions in contracts?

Is that what this is referring to? Is there a special bonus payment system for performing hazardous duty and, if so, how long have these contracts been going on and who determines what is hazardous because this is opening up something here I am not aware of.

Mr. STEIN. I will be glad to relate to you that particular part of the letter refers to what is called environmental pay. Just about all of the contracts you find in the Federal sector today contain provisions that an employee will be paid a certain percentage of his hourly salary if he is exposed to some sort of hazardous work, fumes of some sort.

If he is working, for example, on a naval vessel and he is 100 feet off the ground or the baseline, they call it, of the ship, he will get additional money for being up that high, and various other aspects of working conditions. It is called environmental pay differential.

This emanated under the Federal Wage System through the former Civil Service Commission where it allows a certain percentage of the employee's hourly pay to be paid, provided that management cannot eliminate or "practically eliminate" the hazard.

So, you see again the way the language is couched it's very difficult for an individual to get paid. But, yes, they do file grievances in this respect and these grievances, whether or not they may be significant to the employee or employer, they go through the entire process to arbitration.

For example, an employee may file a grievance for what they call dirty pay. He is working in the bilge of a ship that is oily, filthy. He has to go in there and do his work and he may file a grievance on what they call dirty work pay. That dirty work pay might only involve 8 hours of 1 workday, 4 percent of an hourly salary, which may be $3, $4, or $5, and if the supervisor refuses to grant this dirty pay money, the union would take it to arbitration and the cost of arbitration, I am sure you are well aware, could run into hundreds of dollars. This is one of the aspects of it; that is, the environmental pay bit.

Mr. EDWARDS. Your suggestion in regard to enforcement procedures—I am assuming that you will ultimately have some very specific proposals to offer to us in terms of the enforcement procedures that you would like to see. I take it your procedures will address this problem to see to it that pay that is due and coming to an employee for this kind of work is in fact granted without that kind of a procedure because I am curious as to how any kind of a provision like that is going to be enforced minus somebody's filing a grievance procedure if the employer wishes to not honor that part of the agreement.

I think from what I have seen at other bases and so forth that there is a problem here. I think there is a very real problem. But I think we need to get fairly specific about what kind of changes we are going to propose, what kind of enforcement procedures, and documentation, as I said, not only for Bremerton, but for everywhere else you may have access to it, these kinds of harassments of employees, perhaps concealment from Congress unless that is an overstatement, but systematic violations.

Systematic violations are different from just an occasional violation.

Mr. STEIN. True.

Mr. EDWARDS. We are talking about some fairly significant charges that are being made here against the management of these facilities and I would like to see the documentation because obviously a great number of my constituents are involved in working under these kinds of situations and if we can get it improved, I would be all for it.

Mr. STEIN. One clarification I might add on the environmental pay system that currently exists. It is not for the purpose of paying the employees to work under unsafe conditions. The primary purpose of it is to eliminate the unsafe conditions or hazards or what-have-you. That is the purpose of it.

Mr. EDWARDS. I understand that. The reason that I make this point, though, about trying to come up with very detailed suggestions about enforcement procedures as one of the difficulties in trying to force a Federal agency, Federal bureau, to pay a fine or whatever, is that that really is meaningless because the people who are involved aren't paying it out of their pockets.

What difference does it make to them? They just ask us for a higher appropriation the next time, and we have to have some way. I agree with you, probably criminal penalties will not apply, but we have to

have some way to cause the management to be responsive, and I think that is going to be harder to come up with than you may think.

Mr. STEIN. Well, you have a situation that just recently arose, a shipyard commander—and I believe there was an article in the Friday Evening Star—at Norfolk Naval Shipyard where he warned the employees that unless they worked in the nuclear areas they were subject to discipline.

Now, before that appeared in the newspaper our department received a telephone call about that exact situation. We requested from our people to document it because we were told over the phone that they had already fired two or three people that had a fear of working in a nuclear area.

Now, to fire a person for having that fear in our view is entirely wrong. If a person has that fear within himself that "I don't want to go into a nuclear area for fear of radiation," and you all know what came down the pike recently. Somebody should have some compassion about it.

But obviously not this gentleman. He is telling them, "You either work in that radiation area or out you go."

Mr. EDWARDS. I agree with you. I just came back from Three Mile Island and I can't get anybody near me.

Mr. STEIN. The labor relations in that particular shipyard have been terrible over the years.

Mr. EDWARDS. Thank you.

Mr. STEIN. Thank you, Mr. Edwards.

Mr. GAYDOS. On that point, is this the first instance of such a pronouncement as far as you are concerned?

Mr. STEIN. That particular one, Mr. Gaydos?

Mr. GAYDOS. Yes.

Mr. STEIN. The first one I have heard.

Mr. GAYDOS. The first one?

Mr. STEIN. Yes.

Mr. GAYDOS. Do you intend to do something about it?

Mr. STEIN. If we get documentation.

Mr. GAYDOS. What about your grievance procedure that you have referred to repeatedly? How effective is it? How does it work?

Mr. STEIN. The only enforcement, so to speak, that would emanate from that would be if management somewhere along the grievance procedure would say, "OK, you were right. We will take care of that situation," or go to arbitration and the arbitrator would rule that either the employee was right or the employer was right.

But, you see, that takes a long period of time and nobody really knows what happens to the actual working condition itself, the unsafe hazard, during that period of time.

Naturally, one would assume it would be corrected during that period of time.

Mr. GAYDOS. If the complaint is important and authentic and an arbitrator is appointed, has that corrected conditions in the past?

Mr. STEIN. At times. I can cite one example that happened to me. I had the opportunity to present an arbitration case at the Norfolk Naval Shipyard, I believe it was, and this concerned people working in the acid room and I was determined to get the arbitrator on site.

I wanted to see the acid room, the conditions within that particular area, and I was fortunate to get him in there, but, lo and behold, as we walked into that area, here was management having people renewing flooring, renewing metal parts, putting in new ventilation, things of this nature at that time.

Prior to his visit, they didn't lift a finger.

Mr. GAYDOS. You might not have won the case——

Mr. STEIN. I didn't.

Mr. GAYDOS. You didn't? But you won the battle eventually, didn't you?

Mr. STEIN. Eventually.

Mr. GAYDOS. That place was corrected?

Mr. STEIN. Eventually.

Mr. GAYDOS. How come there are differences in the collective-bargaining agreements?

Is it labor's inability to negotiate uniform collective-bargaining agreements or is it the problem of our Navy Department and how they handle things?

Mr. STEIN. All I can say, Mr. Gaydos, when you refer to the so-called collective bargaining in the Federal sector, it really doesn't exist. There is no true collective bargaining in the Federal sector as yet.

We hope that the new law would bring this about. Many years ago when I was privileged to work down in the naval shipyard in South Carolina, we took advantage of the Executive order that existed at the time and sat down and negotiated an agreement.

In the process of negotiating we had staff come in to act as our chief negotiator who were experienced in negotiations. The management didn't have these types, so over a period of time what actually happened is, we trained them to the extent—well, now, they are training us in negotiations. That is what happened.

Mr. GAYDOS. Do you think we should scrap the whole concept of collective-bargaining agreements with the Navy in its present circumstances?

Mr. STEIN. No, sir.

Mr. GAYDOS. What do you suggest we should do over and above what now is being done through Executive orders and through soft persuasion, for want of a better term?

Mr. STEIN. Somebody is responsible for all these accidents and injuries that occur within these Federal agencies and I am not saying that our people are plaster saints about it; but I am saying that somebody is responsible and somebody is not giving enough training and somebody is not alert to the situations and somebody is actually ignoring them.

When you work for the Federal Government somebody has the authority to correct these things and I would tell you right now, Mr. Gaydos, I am still looking for that person who has the authority.

Mr. GAYDOS. Maybe this committee can help you.

Mr. STEIN. Thank you. I would appreciate that.

Mr. GAYDOS. Out in San Diego, Calif., we had a situation where the Navy delayed entry of OSHA inspectors, apparently just long enough, as you mentioned, to replace the personnel with Navy personnel so that they wouldn't have any problems or complaints.

Is this a normal procedure?

Mr. STEIN. Well, there have been allegations. Again it is a matter of documenting it, really. The main thrust of our people that work for the Federal Government is they don't want any of the work contracted out, period.

Mr. GAYDOS. This supposedly was done with Navy personnel because of complaints registered by your people. Right?

Mr. STEIN. No; not in that particular case.

Mr. GAYDOS. Not in that case?

Mr. STEIN. No, sir. I believe Mr. Crum could relate to that a little more than I can.

Mr. GAYDOS. Isn't that the case you referred to, where the complaint was brought, you walked in and an hour later you found naval personnel fulfilling the duties, completing the operation with uniformed personnel?

Mr. CRUM. It wasn't I.

Mr. GAYDOS. Somebody.

Mr. CRUM. This took place out in San Diego and the testimony that was given to the committee this morning was obtained from the Office of Federal Agency Safety Programs. When it came to my attention, the fact being that evidently union officials took some of the asbestos as a sample to a doctor at UCLA or USC—I forget which—who analyzed it and determined that it was indeed asbestos; and was aware of the situation and knew people who were involved, discussed it with them, and he brought this to Dr. Bingham's attention.

Dr. Bingham asked the Office of Federal Safety Programs, on the basis of this allegation, to please request the Department of Defense to conduct an investigation. This took place, I believe, November of 1978 and, to my knowledge, as of the other day, there has been no report on the investigation to the Office of Federal Agency Safety Programs, so until the investigation would be completed, these things are allegations and what the end result of the investigation will be, I am afraid we will have to wait for that.

Mr. GAYDOS. I would appreciate it, when you receive the report, if you would make it available to the subcommittee.

I think it has some very sinister implications. If that is the situation, we have some very serious problems.

If you come across any other situations of a like type, would you please communicate these to the committee?

Mr. CRUM. Certainly will, sir.

Mr. GAYDOS. It is very important we have that type of information.

Mr. CRUM. Very well.

[The information referred to above appears in the appendix.]

Mr. GAYDOS. To your knowledge was that an exceptional case or have things like that occurred in the past?

Mr. CRUM. Yes, I understand that the main problem is the Navy, in some areas, is trying to eliminate the use of asbestos; that they have a substitute to use for asbestos. However, they can't substitute for asbestos in the cores of the nuclear subs and it has come to my attention that entry for complaints is granted in some of the shipyards, at least private ones, and there, acting as contractors of the Navy, entry

is given for everywhere except the core room and that is where the complaint emanated from.

Mr. GAYDOS. Do you know if the Navy is currently installing asbestos on any of its ships or using it in the construction of any of its facilities?

Mr. CRUM. According to our representatives the use of asbestos is still very prevalent and, as a matter of fact, the investigating team of the Hicks committee out at Mare Island shut down an operation when they were out there.

I will say, in discussing this a few years later with the council president out there and our representative, that there had been a major effort to really upgrade that situation at Mare Island, that it was much better, and that they were very responsive to the employee complaint regarding asbestos at that particular installation.

Mr. GAYDOS. That shutdown was 3 years ago.

Mr. CRUM. Yes, 2, 3 years ago; yes, sir.

Mr. GAYDOS. What about the removal of asbestos from ships and refurbishing?

Mr. STEIN. That still exists, Mr. Chairman, due to the age of the naval vessels when they come in for overhaul and repair. The asbestos is ripped out and they are subjected to asbestos exposure.

Mr. GAYDOS. While the committee was in Hawaii last November, they toured one of the plants and the information I have from counsel and the committee members generally is that they observed some modern changes of procedure being that were utilized to cut down the hazardous exposure to asbestos.

My question is has that procedure been adopted uniformly throughout the industry or was that just an exception perhaps for the benefit of the committee who reviewed that operation?

Mr. STEIN. The Navy presently is working very hard to compile or formulate a standard type of procedure as you refer to it, throughout the entire Department of the Navy.

Mr. GAYDOS. They are trying very hard, you say?

Mr. STEIN. They are right now; yes, sir. The Honolulu trip was one example. I know for a fact that the present shipyard commander has been assigned the task of standardizing the safety and health procedures throughout the Department of the Navy.

Mr. GAYDOS. We have had that problem. The committee has been very impressed or unimpressed that they have all these procedures and grandiose plans and yet nothing ever happens.

So that the record will be clear and hopefully the other members when they review the record will understand the Honolulu situation. Supposedly they have new procedures in handling asbestos.

The committee tells me they use special gloves, special respiratory measures, and are very, very careful, almost like handling explosive material.

The asbestos fiber supposedly didn't cause any problems or they were held immune from it.

Mr. STEIN. You wouldn't know that for approximately 20 to 25 years that the fiber has had any effect on the person.

Mr. GAYDOS. Under the procedures in the shipyard they weren't being exposed to the fibers and dust. That was the conclusion drawn.

My question to you is given that situation, if you know, has this procedure been spread properly throughout all the Navy yards or is that an exception? Was it a show for the committee?

Mr. STEIN. I really have no knowledge whether it applies to all the Navy yards, but I do know that higher echelons are working on standard safety and health procedures.

Mr. GAYDOS. I know everybody is working on standard safety and health procedures, but nothing happens. To your knowledge today, what are you doing about asbestos? Do you have special committees? Are you discussing it? What about your collective bargaining agreements? Are you going to include them? What have you been doing generally about asbestos? How important is it and what are you doing about it on behalf of the workers?

Mr. STEIN. I have here excerpts from an address made by the president of our metal trades department.

Mr. GAYDOS. When was it given and by whom?

Mr. STEIN. By Paul J. Burnsky, president of the metal trades department before the Fifth Annual Safety Accident Prevention and Health Conference in Chicago, Ill. on May 2, 1979.

This document, these excerpts, will explain what the metal trades department has been doing in the field regarding asbestos.

Mr. GAYDOS. All right.

I would like to have them put in the record.

Go ahead.

Mr. STEIN. The metal trades department became involved in the asbestos-related disease epidemic during the fall of 1976. At that time the Metal Trades Council at the Mare Island Naval Shipyard, upon the referral of Dr. Irving J. Selikoff at the Mt. Sinai School of Medicine, New York City, contacted Dr. Phil Polakoff seeking assistance for their potential asbestos-related disease problem.

In the United States, disturbing data has recently come to light in several studies. Dr. Selikoff and his associates from the Mt. Sinai School of Medicine examined approximately 1,000 workers at the Electric Boat Co. of Groton, Conn., during 1975–76.

Overall, approximately half of the workers showed X-ray evidence of pulmonary and pleural changes of a sort regularly seen following direct or indirect occupational exposure to asbestos—pulmonary asbestosis and pleural asbestosis.

All trades were affected and those workers with longer periods of employment had higher percentages of X-ray abnormalities.

Dr. Jean Felton and colleagues X-rayed 501 workers at the Long Beach Naval Shipyard in June, 1977. These men had primarily short-term exposures—1 to 14 years. Despite this brief elapsed period from onset of exposure, 30 percent had asbestos-related lung abnormalities.

The shipyard industry has always played a vital role in the commerce of the bay area. Until 1974, two major naval shipyards were located in the bay area, these being the Hunter's Point Naval Shipyard, San Francisco, Calif., and the Mare Island Naval Shipyard, Vallejo, Calif.

In 1974 the Hunter's Point Naval Shipyard was phased out of existence and a significant percent of employees at Hunter's Point were transferred to the Mare Island facility. In addition, 4 large and 25 small private shipyards are operating in the bay area.

It is grossly estimated that 250,000-plus people have worked in shipbuilding and ship repair in the bay area alone since World War II. At present 15,000 to 17,000 people are employed in this specific trade.

In December 1976, the Metal Trades Council, Mare Island Naval Shipyard and the Metal Trades Department, AFL–CIO authorized Phillip L. Polakoff, M.D., to conduct a preliminary radiological survey of present and past shipyard employees at Mare Island and Hunter's Point Naval Shipyard.

The purpose of this study was to ascertain the prevalence of radiological abnormalities compatible with asbestos-related disease in the bay area naval shipyards.

In March 1977, 359 present and former shipyard workers had chest X-rays—PA only—at Herrick Memorial Hospital, Berkeley, Calif. Each worker had as a minimum more than 10 years elapsed since initial exposure to asbestos. These workers are or were employed in the entire gamut of shipyard occupations including boilermakers, electricians, insulators, welders, and laggers.

Each chest X-ray was interpreted by at least two physicians and in some instances three or four physicians were involved before the final interpretation was put forth. The following results were obtained: normal chest X-rays 146 or 41 percent; abnormal chest X-rays 213 or 59 percent. Out of this 59 percent, 129 or 36 percent were judged to be mildly abnormal and 84 or 41 percent were judged to be moderately abnormal.

A reading of an abnormal chest X-ray indicated a change in the lung tissue which is compatible with asbestos-related disease.

A further breakdown of the data showed that all trades were equally at risk and that the severity of risk usually could be correlated to intensity of exposure and to longevity of exposure.

Based on the radiological findings from this perliminary study at Mare Island Naval Shipyard as well as the recently reported findings from Groton, Long Beach, Great Britain, and France, the Western Institute for Occupational/Environmental Sciences, Inc., deemed it imperative to study the asbestos-related disease problem further.

Starting in July 1977, a group of labor officials representing various trades, that is, machinists, boilermakers, laborers, carpenters, longshoremen, et cetera, began meeting with the staff of WIOES to discuss a proposed project.

In September 1977, the National Institute for Occupational Safety and Health committed themselves to lending WIOES their mobile surveillance van and the necessary supplies to enable the Institute to screen a sizable number of individuals at high risks of contracting asbestos-related disease.

[Excerpts referred to above follow:]

EXCERPTS FROM THE ADDRESS BY PAUL J. BURNSKY, PRESIDENT, METAL TRADES DEPARTMENT, AFL–CIO, BEFORE THE FIFTH ANNUAL SAFETY ACCIDENT PREVENTION AND HEALTH CONFERENCE, INTERNATIONAL UNION OF OPERATING ENGINEERS, O'HARE, HILTON HOTEL, CHICAGO, ILL., MAY 2, 1979

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On May 25, 1978, a press conference was held to announce the screening project to the public. The public was advised of the details of the program and given a telephone number to call to enable them to possibly participate in the medical surveillance.

A "hotline" was established whereby everyone who called had recorded their name, address, social security number, age, occupation, smoking history and length of time since initial exposure to asbestos. From this list of people came the cohort to actually screen.

The screening commenced on July 17, 1978. The screening was conducted in three locations in the Bay Area. These locations included the Labor Temple,

Vallejo, Ca., Teamsters Hall Local No. 70, Oakland, Ca., and the International Longshoremen's and Warehousemen's Union Hall Local No. 10, San Francisco, Ca. At the time of screening, each participant first viewed a 10–15 minute educational audiovisual presentation, signed a consent form, completed a comprehensive medical history administered by trade union volunteers. The participants were screened medically with three chest X-ray films taken (PA, RAO and LAO) and then was given educational pamphlets. Furthermore, attitudinal and psychological questionnaires were administered. By the time the screening project ended on August 14, 1978, 2,294 people were screened. These people came from all walks of life and included approximately 200 women who had worked in the shipyards during World War II, known affectionately as Rosie the Riveters, 300 or more longshoremen and some 1,700 past or present male shipyard workers. Over 90 percent of appointments made were kept. These people came from throughout the State of California, and further, they came from as far away as the States of Washington, Oregon, Nevada, Hawaii and even one individual came from the State of South Carolina. Unfortunately, at least 1,000 people were turned away from this screening process due to inadequate funding. Furthermore, since that time, literally hundreds of individuals throughout the State of California and the western part of the United States have contacted the Western Institute for possible help and information pertaining to asbestos-related disease problems.

Findings from the screening project will be reported as soon as possible to each individual participant with details concerning data obtained in his or her examination. Presently over 7,000 X-rays are at the University of California where three government certified "B" radiologists are interpreting the films. Preliminary results indicate that over half those who participated in this screening project have radiological changes compatible with asbestos-related disease.

This entire screening effort was carried out almost totally by volunteer help, who worked for a period of three months upwards of 12–14 hours per day.

The Bay Area Asbestos Surveillance Project certainly does not come close to meeting the screening needs of all those in the Bay Area or throughout the United States who are at high risk from asbestos-related diseases. It is important to restate that the total number exposed to asbestos just since the beginning of World War II is estimated between 8–11 million people.

On April 26, 1978, the Department of Health, Education, and Welfare launched a major campaign to inform doctors, workers and others about the grave risk of asbestos exposure. Since that period of time, they have done an admirable job in better educating the American populace as to the extent and nature of the asbestos-related disease problem.

Mr. GAYDOS. Let me interrupt you there.

Is it my understanding, that the document only concludes what we all know—that asbestosis is a problem and asbestosis is a disease?

Mr. STEIN. Yes, sir.

Mr. GAYDOS. I don't think anyone has to spend anymore time in determining whether or not sufficient evidence exists, whether or not asbestosis is a compensable disease or whether or not we should be concerned with it.

You want the committee to help. We want to help you. What has the union been doing about it as far as your entering new negotiations on a simple problem of uniformity in all your shipyards?

We find that you have a contract in one shipyard and they are doing such and such. You go right down the coast and in another one there is no coverage. It is a contract that is completely without any reference to what this other contract has in it. It is difficult to help somebody that does not help themself.

Here we are four years and nothing has been done.

I am not here to lecture. I am just telling you what problems we have. I am trying to help in a needy cause since we don't have any real uniformity.

Mr. CRUM. I think other witnesses have testified relative to the difficulty of negotiating certain safety provisions in the contracts. It is not just in the naval shipyards.

In all these other Federal establishments, when it comes to negotiating safety clauses, it is most difficult. You may or may not recall the very first decision that the old Federal Labor Relations Council made was on the negotiability of a safety clause.

In other words, when the union attempted to negotiate a safety clause, the agency said it was nonnegotiable and they had to appeal it all the way up to the major policymaking body.

Mr. GAYDOS. You won that though.

Mr. CRUM. They won that one. That was the very first decision issued. But that kind of resistance has pervaded the labor/management process ever since.

It is very difficult to negotiate these kinds of clauses. So far as what good some of these things have done, it did bring to light the fact that these people who are working with asbestos at least are being examined periodically, annually at least one X-ray and so forth and so forth, because it was recognized that in these areas being examined by the Navy doctors in these very yards that he is talking about, these people all had a clean bill of health and then pursuing the studies, it was pointed out that there are very, very few people, doctors, in this whole country who can read an X-ray. "B" readers, or something, they call them. I am not that exact on it. Very few that could detect it unless they had special training.

I am not saying these doctors weren't qualified.

Mr. GAYDOS. I don't want to be argumentative. We have gone through the black lung legislation. We know all about those X-rays. This committee has been through the whole gamut on detection. I want to ask you a very simple question.

Would you suggest a change in the workingplace for a person that is exposed to asbestos?

That is an old concept we picked up from the coal mines in England. You know it, too.

Mr. CRUM. That is administrative action that could be taken.

Mr. GAYDOS. You know you could take a position on it, though. As a union protecting a man who is working in an exposed condition and suggesting to them to use one of the oldest remedies possible—when his X-ray shows some evidence, move him out of there. It is that simple.

Mr. CRUM. The thrust of my comment is the fact that the doctors who were performing and examining these people had not had the training necessary to detect it. They weren't doing it deliberately. It was because they had not received the specialized training necessary to detect it.

As a result of this meeting with the Metal Trades Department, the National Cancer Institute, with NIOSH and other people, this has resulted in, unless I am mistaken, an effort by the agencies to train the doctors who are doing these examinations.

Mr. GAYDOS. In this day and age, I would think anybody who has thrust upon him the responsibility, particularly in the medical profession, should be able to properly detect asbestosis or other related diseases.

I can't understand a doctor not being to do it.

Mr. CRUM. I think they are undergoing that process now, and, in addition, I would like to inform the committee that I think notices were sent out by the National Cancer Institute or NIOSH or one of the other agencies in that position as a result of the meetings, to around 250,000 family physicians throughout the country, pointing out the danger of this infection and what processes they should undertaken to detect it.

Mr. GAYDOS. Counsel tells me that in our companion hearings in front of Mr. Beard we had three or four doctors conclude that there should be no doctor under normal circumstances unable to detect the ravages of asbestosis if they are worth their salt.

Mr. CRUM. That is one of the problems that is being corrected as a result of these studies.

Mr. GAYDOS. Let's get some practical information here. We know what happened in Pearl Harbor where it was demonstrated to the committee how to remove asbestos from the ship. Is that right, Paul? You were there.

Mr. DWYER. Right.

Mr. GAYDOS. I want to know if what was out there was true? Is that going to be the procedure that you are going to advocate throughout all of the shipbuilding industry in the Nation? If not, then what are you going to do as far as those people are involved with asbestos exposure?

Mr. STEIN. Mr. Gaydos, I can only answer that question with the statement the president of our department has made on a continuous basis; total elimination of the use of asbestos; total elimination of the use of asbestos.

Mr. GAYDOS. Total elimination?

Mr. STEIN. Yes, sir.

Mr. GAYDOS. That would be nice, but what about all the ships that we have that still have asbestos on them and need repair? You still have to take it off.

Mr. STEIN. Our people out there at the Pearl Harbor Naval Shipyard had written to us some time ago asking us what do they do in a situation where a ship comes in for overhaul and repair, a portion of the bulkhead or wall, so to speak, has to be taken down, and it is covered with asbestos. Only a portion of it is taken down. The asbestos that is on the bulkhead remains in and they install a substitute for the asbestos along the side of it, cover that bulkhead, paint over it, and nobody knows which part of the wall has the asbestos on it.

The only way they can identify it is to label it, put up a sign or symbol on that that says "asbestos covered." When a man comes along and says, "Paint all these bulkheads another color," they will go ahead and paint over that sign. Nobody will ever know which part of that bulkhead has asbestos on it.

This came out of Pearl Harbor. They wrote us a letter asking us, "What do we do in a case like that?" We don't want to run the Navy. We only represent the workers employed by the Navy.

Mr. GAYDOS. I am trying to get some information on what the Navy is doing, too. You do have indirectly, maybe directly, a right to control many of their procedures by your negotiations, your safety committee meetings, and/or your collective bargaining meetings.

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There are certain things you can do, as you well know. I don't have to tell you what you can do. Is that procedure, the Pearl Harbor incident, uniform in the Navy? Is that going to be their uniform manner of handling such cases, what the committee witnessed out there?

Mr. STEIN. We are not privileged to their formulation of a safety and health procedure as such. We are privileged to the end result of the regulations on safety.

At times we do receive drafts of safety and health regulations which we can comment on which necessarily doesn't mean they will accept. The reason I am pointing at Pearl Harbor is because of the fact that the shipyard commander there today has been assigned the task of standardizing the safety and health program to the best of my knowledge.

Mr. GAYDOS. We know that he has been assigned that task.

Mr. STEIN. To the best of my knowledge.

Mr. GAYDOS. What about the private shipyards? What kind of problem do we have with that same type of situation? Any difference? How do you handle that? You have a right to strike there.

Mr. STEIN. You gave the answer.

Mr. GAYDOS. Do they have any procedures?

Mr. STEIN. Oh, sure, they have safety committees, safety groups, of course, and they do meet with the employer, management, on safety matters.

They have in their contracts various types of procedures regarding safety and health.

Mr. GAYDOS. Does it go beyond saying that your safety committees are more effective in the private sector as distinguished from the activities of the safety committees when they operate within the services such as the Navy yards?

Mr. STEIN. Certainly the people in private shipyards can call an OSHA inspector on site. The Federal workers can't do that. There is no enforcement.

He may get into a Federal installation to inspect, but he can't enforce it. That would be up to the shipyard commander to enforce that. They hold the responsibility for the entire shipyard, a given shipyard.

Mr. GAYDOS. But, knowing that distinction, you find your hands tied as far as effectively confronting the situation and making some basic changes when you are dealing with the Navy officials, Navy yards?

Mr. STEIN. That is correct. Our hands are tied. I don't know what they are hiding either. They are hiding something. Having a third party come in there and police a safety and health program, they won't accept this. They want to keep it in-house.

Mr. EDWARDS. If the chairman will yield to me?

Mr. GAYDOS. Yes.

Mr. EDWARDS. I would like to just ask one question and then let the chairman get back to his questions, but the conversation at the moment is centering almost entirely on asbestos and the 1973–74 statistics for the total number of Navy employees, civilian employees, according to the GAO report I just looked at, 327,000 civilian employees in the Navy, of whom 24,468 suffered some kind of reportable injury or illness.

That is, in my math, which I did very quickly, close to accurate, 7.5 to 8 percent, which is an extremely high percentage of injury and illness in the civilian work force.

I can't believe that that is all asbestosis. I wonder if you might comment to what extent the asbestos problem is involved in that and what the other major hazards are that we are talking about that we need to be looking at in addition to the asbestos problem?

Mr. STEIN. Of course, there are many entities that are delving into the asbestos problem throughout the entire country, throughout the entire world for that matter. It already has been proven, as I started to read from the president of our department's speech, that certain of the shipyard workers have asbestosis.

The exact number I have no knowledge of. The other aspect of safety I would imagine depends on what a person considers an unsafe condition.

I have seen papers and documents where it has been listed that a stepladder doesn't have these rubber feet attached to the bottom of the ladder to keep it from slipping.

Mr. EDWARDS. I understand that.

Mr. STEIN. It runs the whole gamut of injuries.

Mr. EDWARDS. What type of hazards may be endemic to the Navy Department here other than the asbestos problem? We are talking about a percentage of injury and illness among civilian employees of the Navy that is considerably higher than in the other services, for example, or the other Federal agencies, and I am just asking you to tell me what are these major hazard areas at the shipyards other than asbestos, because there quite obviously are some.

A great many people are being injured or becoming ill, a great percentage, who are working at the Navy bases. Is it just a whole variety of things or are there some other very specific major health and safety problems?

Mr. STEIN. The chairman touched on it momentarily when he mentioned the hearing problem. That is another one. The toxic materials that are being used today is another area. When you get to injuries, the amount of injuries that you noted in the GAO report run the whole gamut. These reports that are made by these safety committees in these naval shipyards, No. 1, Mr. Edwards, you have to envision just what happens when they overhaul a naval vessel. They tear the guts out of it on some of them, right down to the bottom, to the keel, and there are large openings and if they are not barricaded off a person can walk right in and fall through.

There are many electrical lines or air hoses, ventilation pipes, things of this nature that are strewn all over the ship in order for the employees to perform their work. In a normal submarine, if they don't cut a hole in the top deck of that submarine, you have to get in and out of that sub through a hatch and if you have broad shoulders, you may not make it because of the fact that there are lines going down that hatch also.

There might be a ventilation pipe running down that hatch. In the event of an alert to get off that ship, people scramble to get out of the one or two hatches and they have problems. They get injured in that way, even if they wear a hard hat. He may mistake the hatch opening

and hit that hat on the upper part of the deck and the hat comes down over his ears and the next thing you know he has injured his ears. Those things happen.

Mr. EDWARDS. Thank you very much.

Mr. STEIN. You are welcome.

Mr. GAYDOS. Any questions, Mr. Bailey?

Mr. BAILEY. Just one very brief question. You used the words in-house operation and you mentioned the resistance on the part of the Navy to having a third party come in there, presumably OSHA, to run a check. Is there a conceivable way, in your opinion, if this was some type of insurmountable political problem, so to speak, that there was so much resistance to this that taking the approach from an in-house point of view you could structure an enforceable safety program provided, we could come up with some type of procedure that puts the responsibility tag on an individual or on the agency in a way that really puts an emphasis in the program?

Let's say you come up with some remedies and structure some kind of a system where you folks have a little more teeth in what you can do. Let's assume we have accomplished that right now.

Now, we get to what seems to be the insurmountable problem which is that third party agency. Who is going to police it, do the check work, the citing? I don't know how good an idea it is, but it keeps occurring should have an in-house safety program, in each agency, because some reviewed structure that can police the navy shipyards, and I am not of the problems are unique. You people obviously have some unique difficulties.

It may make more sense to set up some kind of autonomous internal reviewed structure that can police the Navy shipyards, and I am not talking about someone who is responsible to the Secretary of Defense, but at least some type of separate agency within the department, maybe like a police review board; that kind of thing.

That is the thing I keep coming back to, that at least we have to come up with some way of getting some agency that can do some citing or do some checking and also some remedies that have some teeth in them.

Does that idea appeal to you at all? You know what I am talking about. Take OSHA. Of course, OSHA would be very structured for the task. They have experienced people. They are not going to run into unique problems in the navy yard, are they? I don't know.

Mr. CRUM. Mr. Bailey, when we developed 1960 it specifically provides in there that the agency head will designate a safety and health representative, hoepfully at the Assistant Secretary rank, and he would be responsible to that agency head.

Mr. BAILEY. That is bad. We have to go beyond that. I am just saying that there is so much resistance to having one of the agencies of the Government act as a speaker agency that you have to sit down and look practically at what you can come up with as an alternative, that's all.

I just wonder if there is some way, and I think maybe there is—I don't know, maybe there is not—some way to create some kind of structure within each individual major department of the Government that has the responsibility.

Of course, none of them is going to be meaningful if you don't have the remedies. It doesn't do any good to have OSHA run around either if you don't have any remedies.

It is meaningless. That has been a basic problem. Once you get rid of that, I am just wondering if we should do it on a department-by-department basis and set up some kind of review committee and give them some power?

Mr. CRUM. It is possible. Of course, that was the idea in getting the designated safety and health official. That was someone at the national level that could be talked to and reasoned with and who would have the authority to do something about it, but——

Mr. BAILEY. Bob, what are you going to do? What good is it going to do you to have OSHA doing that job? You still don't solve the issue that you alluded to earlier. OSHA comes in with a citation but there is no teeth in the citation. There is no authority behind this, nothing. You haven't solved the problem, have you?

Mr. CRUM. What I was talking about earlier was a procedure whereby the Department of Labor would come in and cite the agency and there would be the right of appeal. Then if the agency didn't comply, then there is already existing law which would allow the employee or his representative to take the agency to court.

Mr. BAILEY. Maybe we ought to sneak up on them, Mr. Chairman, sort of start on the first leg and have OSHA come there and render advisory opinions and at some point sneak up and put a little teeth into it. I don't know. There is just so much resistance. The in-house thing isn't working.

I wonder if there is some way to improve that. If you can't, then go the OSHA route.

Mr. CRUM. On the in-house route I wanted to make one point because I was here when the Department of Interior testified and their testimony was concise and precise and showed improvement relative to the report that had been made on them in the past, but one question was asked by the chairman: Why did they have a bureau issue a regulation for operating and maintenance personnel?

Well, I had a copy of that manual. That happened to be the Bureau of Reclamation. We have national consultation rights with the Bureau of Reclamation, not with the Department of the Interior, but with the Bureau of Reclamation.

So I received it for comment, not on the basis of part 1960 when it comes to adopting new rules, modifying them, or changing them, or deleting them, but on the basis that we had national consultation rights.

I looked at the document and the cited references, the construction standards, industry standards, and so forth and so on. I didn't see a mention in there about section 19 of the OSHA Act. There was no mention in there about Executive Order 11807. There was no mention in there about part 1960, which is supposed to be the guidelines that we consider as regulations for the agencies to follow in their Federal programs so far as the Federal employees are concerned.

Then on the first page or the second page they state that if there is a conflict between the regulations cited, that is, the OSHA industry

and the OSHA construction standard regulations, that their regulations will prevail.

Now, if they said our regulations are more stringent than those regulations of OSHA and they will prevail, I could have gone along with it. But it didn't say that.

In addition to that, it was a manual that was this thick [indicating] which combined working rules and so forth with standards, and they held the employee responsible for knowing every page of this 200-page document, and when it came to toxic materials, for instance, you are not supposed to use such and such; this is found in reference so and so. He doesn't even have that.

The employee subject to disciplinary action is supposed to know what that document says. In addition to that, I went to the Department of the Interior and I said, hey, 1960 says and section 19 says that the agency will issue regulations, not the Bureau. Oh, well, so and so out in their general research center puts these out.

I said well, I am not going to comment on them or my organization is not going to comment on them because they are not being issued pursuant to section 19 of the OSHA Act.

I don't know.

I said well, who is your designated safety and health official?

They didn't have one. They had one at this hearing, but they didn't have one then. So it was a case of the tail wagging the dog.

Mr. BAILEY. Thank you. Thank you, Mr. Chairman.

Mr. GAYDOS. I wonder in conclusion, Mr. Stein or Mr. Crum, if you could give us in writing, a report as to what procedures are being followed as of today in the removal of asbestos from each and every naval shipyard in the Nation? And in conjunction with that question, is there uniformity in all naval shipyards today as far as their standards and procedures are concerned on this subject matter?

And, finally, how does that compare with the private sector, private shipyards, and their method in handling asbestos removal and/or replacement?

For reasons that we will be discussing in the future, these items are very important to the committee. I am not going to get into noise, et cetera, because we have a source of information, I understand from counsel, involving those standards and those procedures.

I want to thank both Mr. Stein and Mr. Crum for their appearance before the committee. I would appreciate, on behalf of the committee, any response you may have in this particular area, as I have pointed out.

If you have any additional information as we discussed in the last half hour or hour involving matters that are directly or indirectly related to what we discussed, we would like to have that information.

If you have any personal or policy positions, please make them available to us and if you desire another appearance after we have a series of other hearings, we will be glad to have you.

Finally, on behalf of the committee I want you to understand that any questions or any suggestions on my part were strictly personal and not some result of the committee in general or in particular.

They were just my personal observations, and I want you to know that as in the past you have been of great service to the committee in

giving us detailed information to general observations. I appreciate your coming.

So without any further comments the subcommittee will stand in recess until Friday, May 18, when a general oversight hearing on OSHA will be conducted in Philadelphia, Pa.

The next oversight hearing on the Occupational Safety and Health Act of the Federal employee will resume on Wednesday, May 23, 1979, at 10 a.m., at which time witnesses from the National Federation of Federal Employees will testify before the committee.

Again in final conclusion, thank you, gentlemen, for your appearance, and we will be in contact with you.

Mr. STEIN. Thank you, Mr. Chairman.

[Whereupon, at 12 noon the subcommittee was adjourned.]

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

WEDNESDAY, MAY 23, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2257, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Bailey, and Buchanan.

Staff present: Paul F. Dwyer, counsel; Rebecca Davis, research assistant; Edith C. Baum, minority counsel for labor; and Dorothy L. Strunk, minority legislative associate.

Mr. GAYDOS. The committee will be in order.

Let the record show Mr. Buchanan is present, myself, and Mr. Bailey is on his way. A sufficient quorum is present.

This morning, we are continuing with our oversight hearings with the occupational safety and health of the Federal employee. Appearing before the subcommittee this morning is a representative of the National Federation of Federal Employees.

On behalf of the committee, I wish to welcome Mr. James Peirce, president of the National Federation of Federal Employees. Welcome to the subcommittee, Mr. Peirce.

For the record, would you please identify those individuals accompanying you?

[Prepared statement of National Federation of Federal Employees follows:]

STATEMENT BY THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman, my name is James Peirce and I am the President of the National Federation of Federal Employees. NFFE represents approximately 150,000 Federal workers, and I appreciate the opportunity to appear on their behalf.

The subject of today's hearing, safety and health protections in the Federal workplace, has been a continuing source of frustration for NFFE. For years, we have attempted to rid Government worksites of hazardous conditions. And with the advent of the 1970 Occupational Safety and Health Act, NFFE felt that, at last, our efforts would be rewarded.

The hopes were soon dashed, however, when it became clear that Federal employees were not to enjoy the same protections under the Act that were granted workers in private industry. Although agencies were required to develop standards consistent with OSHA standards, there would be no enforcement provisions.

NFFE strongly believes that these two sets of parallel standards, with only one being actually enforceable, create unnecessary danger, not to mention unnecessary work, for Federal employees. The following data attests to this fact.

I will submit for the record statistics compiled during calendar years 1973 and 1977 by the Department of Labor. They clearly illustrate that Federal worksites are becoming increasingly hazardous. The data shows the number of work-related deaths and injuries to Federal employees during the periods:

Deaths:	
1973	119
1977	131
Injuries and Illnesses:	
1973	111,044
1977	182,790

The size of the Federal workforce has remained constant since 1973, yet the number of work-related fatalities, injuries, and illnesses has increased significantly. It's difficult to compare these figures with those in private industry, since the duties of civil servants cover almost the entire occupational spectrum. Nevertheless, the data cannot be dismissed lightly, especially when translated into more human terms:

The NFFE Council of GSA Region 5 Locals represents General Services Administration employees at several offices and shops in the Chicago area. While the agency's own regulations require annual safety and health inspections of all workplaces, the Council officers complained on many occasions that they had not seen an inspector in years. Eventually, their complaints prompted the agency to send inspectors to some of the offices within the region. Management then refused to share with the union the reports made on the results of these inspections.

An employee of the Veterans Administration Regional Office in Jacksonville, Fla., suffered a seizure on the job. A doctor and an emergency squad rushed to the scene, but before they could reach the stricken employee, four desks and a heavy table had to be moved. Two additional desks had to be shoved aside to make room for the stretcher needed to carry the employee to the hospital. Two previous requests to the local safety committee to eliminate the hazard created by the overcrowding went unheeded.

At Ft. Sill, Okla., a gas station operated by the Army-Air Force Exchange System is situated about 75 feet from a commissary operated by the Department of the Army. The non-appropriated fund employees of both these activities are represented by NFFE Local 273. Last month, a leak was discovered in the gasoline receiving tanks, and the fuel was found to be seeping into the ground. The employees complained about the hazard created, and a trench was dug midway between the two activities to pump out the gas that had leaked. The air was fouled by the gas fumes and several employees became ill. While the agencies were attempting to abate this hazard, the commissary employees were told they must continue working. Even though the smell of gas was everywhere and a potentially dangerous fire could have started at any time, the employees were prohibited from leaving their jobs. After all, to do so in the interest of protecting their lives and limbs would have been an illegal strike against the Government.

Employees of the Social Security Administration District Office in Angleton, Texas are represented by NFFE Local 1823. In 1976, the Local President began complaining about the terrible condition of the building in which the office is located. The room and walls leaked, leaving puddles of water in the lobby and offices after a heavy rainfall. The electrical system was outmoded and the facility was terribly overcrowded. Social Security officials conceded the hazards existed but claimed they were helpless to eliminate them because GSA controls the space. GSA claimed they were doing all they could to fix the problems in the building but could not offer any alternative space. The situation came to a head last September when the roof of the building collapsed. Miraculously, no one was injured. However, the employees were moved into a portion of the building where the roof still stood and were told to keep working. Again, GSA said they could not provide alternate space.

It was only after Texas Senator Lloyd Bentsen lent his good offices to the employees' cause that GSA approved a lease agreement that will move the employees into a new building in October 1979. We only hope the roof doesn't collapse again in the meantime.

These incidents and preceding data reflect an atmosphere of indifference unintentionally created by an overcautious Congress when it sets apart Federal

employees from their peers in private industry. The Occupational Safety and Health Act (Public Law 91–596) requires private concerns to eliminate hazardous conditions.

It also establishes an agency to enforce the requirements through on-site inspections and to punish non-compliance with fines and imprisonment. But civil servants were covered only by Section 19 of the Act which decrees that: "It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under Section 6." (Section 668, title 29, U.S. Code).

I can appreciate the rationale behind Section 19, which Senate Report 91–1282 explains concisely: "The bill does not authorize the Secretary of Labor to assert authority under this bill over particular working conditions regarding which another Federal agency exercises statutory authority to prescribe or enforce standards affecting occupational safety and health." The Congress obviously was trying to avoid inter-agency disputes. But employee safety should transcend such considerations. Indeed, if not for the benefit of civil servants, then for the benefit of the general taxpayer. Federal employee workmen's compensation payments have been increasing for years, and in 1978 surpassed the half-billion dollar mark. Fiscal austerity alone would dictate that something be done to protect Government workers from hazardous conditions in the workplace.

Several Executive Orders have been issued to implement the provisions of Section 19, the last being Executive Order 11807. But the ineffectiveness of these decrees, which lack true enforcement provisions, is obvious. For instance, Public Law 91–596 requires the Department of Labor to make annual reports to the President on the progress of the OSHA program in the Federal sector. From 1972 to 1976, the Department of Labor submitted its reports to the President, but the President never submitted them to Congress, another stipulation of Public Law 91–596. The reason for this oversight is unclear, but it indicates the emphasis placed on the Federal Occupational Safety and Health program.

Section 19 needs to be strengthened. By that, I mean employee safety should no longer be solely the responsibility of the agency heads. It also should be under the purview of the Occupational Safety and Health Administration to the same extent as is the private sector.

The Administration is now drafting a new Executive Order to augment 11807. Suggestions on its contents were solicited from various associations, including NFFE. Although, as I have stated, we would rather see an amendment to the law, we nevertheless offered comments for improvement of the proposed new Executive Order. For the record, I will reiterate NFFE's two general recommendations:

(1) Literal OSHA standards, rather than others merely "consistent" with OSHA standards, should be adopted. The Federal Government should not require private employers to meet standards which it refuses to accept in the Federal workplace. Too much controversy surrounds the phrase "consistent with OSHA standards." These standards are a matter of public record, and publishing a duplicate set is simply unnecessary. One set of standards also will guarantee uniformity for all Federal workers in all agencies.

(2) I would like to emphasize the necessity for inspections. We were quite disappointed when the Executive Order allowing OSHA inspections on an unannounced and uninvited basis at every Federal facility was dropped rather than being signed by President Carter. If the Federal Government is to become the leader and the example as provider of a safe and healthful workplace, we must have regular unannounced inspections. We must also have correction of all violations that are found. If we do not have these two things, there is no way that the Federal Government can become a model employer in the safety and health area.

I would also like to submit for the record a completed questionnaire which NFFE returned to the Interagency Task Force on Workplace Safety and Health. It provides a detailed analysis of NFFE's position regarding occupational safety protections.

In conclusion, I would like to point out that for two years the Administration has called for a 5.5 percent cap on Federal employee pay raises. The White House has explained that the cap, per se, will do little to slow the rate of inflation. However, the Administration asserts that we cannot expect private industry

to hold down wage increases if the Government does not do the same. If this is true, then by the same token we cannot expect private industry to seriously pursue the development of adequate employee safety protections if the Government does not lead by example. And until OSHA is granted the same authority in the Federal workplace that it now has in the private sector, it is doubtful the Government will display this necessary leadership.

The same position was reflected by the Interagency Task Force on Workplace Safety and Health. The Task Force, in discussing the lack of emphasis on employee safety in Federal agencies, stated, "So long as this low priority exists, the private sector will continue to point to the Government's failure to clean its own house first."

STATEMENT OF JAMES PEIRCE, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY GEORGE TILTON, ASSOCIATE GENERAL COUNSEL; AND CHARLES BERNHARDT, STAFF PROJECT MANAGER

Mr. PEIRCE. Yes, Mr. Chairman.

On my left is George Tilton, associate general counsel, and on my right is Charges Bernhardt. He is our staff project manager for the occupational safety and health area.

Mr. Chairman, my name is James Peirce and I am the president of the National Federation of Federal Employees. NFFE represents approximately 150,000 Federal workers, and I appreciate the opportunity to appear on their behalf.

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cate set is simply unnecessary. One set of standards also will guarantee uniformity for all Federal workers in all agencies.

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Mr. Chairman, that concludes our testimony. We are open to any questions.

[The information referred to above follows:]

James M. Peirce, president.
Sadie E. Seeley, secretary-treasurer.
In reply refer to: DOL–JC–20

March 28, 1979.

TASK GROUP D,
Interagency Task Force on Workplace Safety and Health, Rosslyn, Va.

DEAR TASK GROUP D: I appreciate your March 21, 1978 letter and the invitation to present the views of our organization in person. We will be pleased to attend the meeting on April 5. NFFE will be represented then by Janet Cooper, Director of Local Support, and Carmen Young, Labor Relations Specialist. These names have also been given by phone to Mr. Komos.

We have completed the questionnaire which you enclosed in your letter. Because some of our answers were rather extensive, we took the liberty of retyping questions and answers entirely. Our response is enclosed with the thought that the Task Force might want to review it before our meeting. We are also preparing comments for Task Group A in response to the questions published in the Federal Register. These will be completed soon and forwarded to that group.

We certainly appreciate these opportunities to provide input on matters of great concern to all Federal employees. In response to this letter, please refer to DOL–JC–20.

Sincerely,

JAMES M. PEIRCE, *President.*

QUESTIONNAIRE

FEDERAL EMPLOYEES SAFETY AND HEALTH CONSIDERATIONS

1. Name of Union: National Federation of Federal Employees (NFFE).

2. Person to be contacted for further information and telephone number. Name, James M. Peirce, President; phone, 202–862–4400.

3. Number of Federal Employees covered by labor/management agreements:

Agency:	*Employees*
Treasury	81
Army	31,245
Navy	8,208
Air Force	17,555
Defense Mapping Agency	1,418
Defense Logistics Agency	2,148
National Guard Bureau	6,138
Justice	143
Interior	11,551
Agriculture	11,305
Commerce	1,885
Health, Education, and Welfare	4,605
Housing and Urban Development	2,155
Transportation	721
Energy	109
Environmental Protection Agency	459
General Services Administration	5,767
National Aeronautics and Space Administration	575
Small Business Administration	148
U.S. Information Agency	162
Veterans Administration	14,713
Non-Appropriated Fund, Army	928
Army and Air Force Exchange Service	684
Non-Appropriated Fund, Navy	1,915
Non-Appropriated Fund, Air Force	102
Total under contract	124,720
Total under exclusive recognition	133,549

4. Should Federal Agencies adopt OSHA standards, or should they continue to use standards that are consistent with OSHA standards? Please explain.

NFFE believes OSHA standards should be adopted. The Federal government should not require private employers to meet standards which it refuses to accept in the Federal workplace. Too much controversy surrounds the phrase "consistent with OSHA standards." OSHA standards are published and known; to publish other standards which are consistent is double work and expense. Two sets of standards where one is sufficient adds to the Federal paperwork burden. One set of standards will also guarantee uniformity for all Federal employees in all agencies.

5. What is your opinion of the internal worksite inspection program being conducted by Federal Agencies for Federal employees? Do you feel this effort is effective? Please explain.

We believe the internal inspection program is almost nonexistent. Where it does exist, it is ineffective. One reason for this is the general ineffectiveness of self-inspection. Many changes which would improve health and safety cost money. Budgetary priorities rarely lie in the areas of health and safety.

Safety records could be hurt by a bad inspection report. Such a report also points up the failure of management officials to fulfill their health and safety responsibilities. Many managers do not want this pointed out to them and inspectors are very aware of this. When someone controls your performance appraisal and promotion chances, you are not likely to want to incur his wrath.

6. Do you know of any problems that have occurred regarding employees or representatives of employees participating in worksite inspections?

The only places where worksite inspections have been effective have been those where the inspection time and union participation are guaranteed by a collective bargaining agreement. If this is the case, failure to allow our presence or

retaliation for our participation can be swiftly and fairly remedied through the negotiated grievance procedure and arbitration.

We are not aware of any problems arising from union participation in worksite inspections. Most retaliation comes from reporting violations to higher headquarters, the media, or OSHA.

7. Do you feel that National Agency Headquarters personnel adequately evaluate the performance of worksite inspections by subordinate field activities (e.g., regional offices)? Please explain.

Our experience has shown us that National Agency Headquarters personnel do not evaluate inspections by subordinate activities sufficiently. These groups are not even able to take action when we call their attention to local health and safety problems which have not been resolved at the installation level.

One example involves the restroom facilities for commissary employees at Fort Meade, Maryland. These facilities were unclean and in a separate building from the commissary. We argued for some months with commissary management about building adequate, sanitary facilities within the commissary itself. After getting nowhere (lack of money was given as the reason), we went higher in Army. Still nothing happened. Finally in desperation we called OSHA. Their pressure led to a clean-up and painting, but the facilities to this day are still separate from the workplace.

During all this turmoil, Fort Meade did an investigation/inspection of the facilities and pronounced them adequate. The Army upheld this finding and only actually went into the buildings itself when pressure came from above.

The only real way to evaluate the adequacy of a worksite inspection is to visit that worksite and check behind the inspector, at least periodically. Agencies sometimes claim they lack the staffing and funds necessary for such followup. NFFE believes both are available to agencies which have a proper sense of priorities. A safe and healthful workplace should be top priority.

8. Is the level of protection (safety and health) provided to Federal employees assigned to private sector establishments adequate? Do you know of any problems? Please explain.

Our major experience with Federal employees assigned to private sector establishments has been with employees of the Tobacco Division of the U.S. Department of Agriculture. Inspectors employed by this division grade tobacco in privately owned warehouses. Sales in a particular warehouse last from a few days to several weeks. Inspectors then move on to other sites. This constant mobility makes unsafe conditions difficult to spot and track down. By the time a safety inspector arrives, the warehouse is closed until the next year. Among the problems in these warehouses are dust, extreme heat and cold, poor lighting, no bathroom or drinking water facilities, lack of proper ventilation, and aisles cluttered with soft drink cans hidden under tarpaulins. The working conditions are appalling. Recently the agency has instituted some inspections prior to warehouse openings, but these have not been sufficient to alleviate the problem.

9. Are the hazard abatement efforts of the Federal Agencies adequate? Do you know of any problems? Please explain.

One special problem we have encountered in the area of hazard abatement has been in the Federal Office Building at 210 North Twelfth Street in St. Louis, Missouri. The asbestos contamination in the ventilation system has been a continuing problem there. Getting accurate measurements of the exposure levels has not been possible. Agency response has ranged from nonchalance to placing statements in employee folders documenting the exposure level.

Cleaning the ducts and wrapping some pipes in the basement are all that would be needed to eliminate this asbestos exposure almost completely. In spite of this simple solution, no moves have been made in this direction. The seriousness of this situation has been called to the attention of all the agencies who are housed in the Federal building and to the attention of OSHA at the national level. There has been no action.

10. What has been your experience in resolving unsafe or unhealthful working conditions with Federal Agencies?

Our experiences in this area have been varied. As stated previously, the best results have come from active labor relations' efforts. A gool clause in a collective bargaining agreement will allow for OSHA and other inspections, health and safety committees, and preventive work.

In the absence of such a bilateral relationship, our experience at Miami VA Hospital has not been good. Cleaning up the fire hazard around a trash chute

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has practically taken an Act of Congress. Getting the hot water turned back on at the Naval Coastal Systems Laboratory in Panama City, Florida, has been at least as arduous a task. The commander decided it ws a waste of energy to have hot water in restrooms in the summer, in spite of OSHA standards to the contrary.

The experiences in St. Louis and Fort Meade have already been cited. We have found that laboratories are frequently the worst places of all. Controversies are still waging around the EPA lab in Cincinnati and GSA labs in Chicago. Often agencies will hide behind a lack of funds or fear of reprisal if conditions are reported. The former is a ridiculous excuse; the latter is too often a true one.

In summary where we have a strong collective bargaining relationship, we find resolution of such conditions is swift and of better quality. In too many agencies action is slow or non-existent. There is reprisal for mentioning unsafe conditions and little cooperation in solving them.

11. Briefly describe your experience with Federal agency Safety and Health Committees. In your opinion, do these committees seem to be useful in protecting Federal employees?

Our major experience with Safety and Health Committees at the national level has been with the Veterans Administration. This committee has brought about full-time, trained District Safety Engineers who serve as a central point of contact for VA employees who want to report troubles. Of course, the usefulness of such persons depends upon the individuals chosen for the positions. It is too early to judge the full impact yet, but we believe this is a step in the right direction.

One issue we brought to the attention of the committee is the large number of injuries among workers in neuro-psychiatric hospitals. A study was done which proved our claims, but no action has been taken to alleviate the problem. Crowding of patients and short staffing were found to be the cause of these injuries. Correction of such a problem requires reallocation of resources, a factor over which the committee has no control. Lack of power to reallocate money is a major drawback to such committees. Without such power and a commitment from the top management for safety, national level committees are often no more than a place to "let off steam" about health and safety matters. Local committees do more to protect Federal employees.

12. Is the safety and health training conducted by Federal Agencies for executives, labor representatives, supervisors, and employees adequate?

We do not think such training is adequate. Specifically few labor representatives and employees receive such training. Some agencies give first aid and CPR training; some have no training at all. Training in safety inspections and hazards for which to look is non-existent. We would like to see extensive training for officers and stewards on OWCP, OSHA, agency programs, and other matters.

13. Does your union conduct any safety or health training for its membership? If so please describe.

We have training around the country every year (27 times last year) on labor relations. As you can imagine, there are many issues under that broad topic about which our Local leaders need to know. Time for such presentations is short. Nevertheless we make an effort to discuss the Office of Workers' Compensation Programs and distribute materials on filing and expediting OWCP claims. We also discuss OSHA and distribute their booklet of standards. Our major emphasis is on the collective bargaining agreement and its use in establishing committees, scheduling inspections, setting up preventive medicine programs, and other matters of aid to those we represent. Locals are encouraged to become totally involved in health and safety at their activities and to push sluggish managements into action.

Some of our Locals also conduct and sponsor training at their levels. Whether this happens depends upon the quality of our leadership, cooperation and/or encouragement by management, and employee concern for safety. We encourage such training and are delighted when it occurs.

14. What has been your experience in being consulted on safety and health program management by Federal Agencies? Has this been useful? Please explain.

A check of our records shows we were consulted thirteen times in the past two years on health and safety. On occasion such important items as committee membership for union people or OSHA inspections were discussed. Too often the subject was something like "Flammability of Floor Coverings." In addition, our ideas were often not accepted and when we initiated suggestions, the results were less than satisfactory.

15. What has been your experience with the employee hazard reporting system? Do you know of any problems concerning reprisals to employees who have submitted hazard reports?

The hazard reporting system does not work for a number of reasons. First of all it has not been properly explained to most employees. Secondly reports are not accepted in good faith and acted upon by responsible management officials. And finally as your second question indicates, there have been reprisals. This is most often true where an employee develops a reaction to a chemical or other substance in the environment. Instead of removing the annoying substance, management seeks to force the employee into disability retirement. This is a more costly solution and encourages other employees with the same reaction to the substance to keep quiet. Again laboratories are notorious in this regard.

16. What is your opinion of the impact of the November 1974 revisions to the FECA, on worker accident/illness rates?

We have not noticed an appreciable increase in accidents or illnesses as a result of the 1974 revisions. It is true that more OWCP claims are being filed but that is because more workers are aware of their rights in on-the-job injury cases. Part of this awareness stems from union training. Some of the increased claims are for aggravation of pre-existing condition such as ulcers, heart attacks, and other stress-related illnesses. Sometimes this is the only way an agency can be made to understand that harassment by supervisors at a particular activity is unbearable. A soaring number of OWCP claims (many of which are successful) gets the message across.

The amendments made in 1974 were meant to alleviate the troubles experienced by ill workers when OWCP payments were delayed. However, we have found that the delay continues and is worse than it was in 1974. Pleas for more money and staffing have been partially heard, but the problem is not solved yet. Mortgages are foreclosed, family transportation is repossessed, doctors refuse further treatment until bills are paid. The experiences are shameful. If this Task Force does nothing else, it should recommend strengthening OWCP. The Federal government owes its employees better treatment in this area.

17. What has been your experience with the Federal Advisory Council on Occupational Safety and Health (FACOSH), with regard to advising on Federal Agency Programs?

The experience we have had with the Federal Advisory Council on Occupational Safety and Health (FACOSH) has been most limited. Like all other independent unions representing Federal employees, we do not have a seat on FACOSH. We do attend the meetings in an observer status and we have on several occasions nominated someone for a seat on the Council. Our observation has been that FACOSH is not effective as a national body.

18. What is your opinion of the Regional Federal Safety and Health conferences? Do you participate in these conferences? Are they useful? Please explain.

We have not participated in these conferences. We receive neither invitations nor announcements to them.

19. Do your union representatives participate in field Federal Agency Safety and Health Councils? Do you feel these organizations are useful? Please explain.

Recently our Locals in the Southeast United States (OSHA's Region IV) have been invited to participate in the field councils. Also as more councils are formed, our participation will increase. We have encouraged our Locals in several letters to become a part of the action on these councils. NFFE believes they can be of great value if they are properly utilized. We will withhold judgment pending further experience in this area.

20. What do you think of OSHA having right of entry and conducting worksite inspections of Federal facilities as it does in the private sector?

NFFE supports OSHA's right to inspect Federal facilities. We have so indicated in a letter to Assistant Secretary Bingham at a time when she was said to be preparing an Executive Order to allow such inspections. The failure of that rumor to become a reality has been a great disappointment to us and all Federal employees. We believe private employers should not be subject to rules, standards and inspections from the Federal government if it is not expected to follow those same standards. All employees should be equally and adequately protected in the areas of safety and health. Unannounced OSHA inspections with the authority to enforce correction of violations are essential in the private and Federal sector. Nothing else can effectively make the Federal workplace safe.

21. What, in your opinion, is the most effective element you have observed in Federal agency safety and health efforts and why?

The most effective element is a strong collective bargaining agreement. The model would provide for periodic OSHA inspections and corrections of violations found. It would provide for free medical check-ups and other preventive medicine. The agreement would also create a union-management health and safety committee with power to change unsafe conditions. An anonymous system of hazard reporting would be built into the contract. Health and safety problems which could not be resolved would be subjected to arbitration. Training for all employees in OWCP and OSHA would be mandatory. These ideas have been most effective where put into practice.

22. What, in your opinion, is/was the most ineffective element of Federal agency safety and health efforts and why?

The most ineffective element is correction of problem areas. Ineffective or non-existent inspection, lack of incentive to report unsafe conditions, lack of funds to correct problems, and insufficient monitoring from higher agency levels all contribute to this. There is no swift, readily available system which guarantees correction of unsafe or unhealthy conditions. I point again to the Fort Meade example, the St. Louis asbestos situation, and the trash chute as examples of this weakness.

23. What are your thoughts on an incentive approach for managers, supervisors, and workers who achieve improved workplace safety? This could include cash awards and/or prizes. What about disincentives?

We believe incentives for achieving workplace safety are important. An easy access system which responds to complaints with effective correction must accompany any incentive program. We believe employees are interested in safety and health to the point that they will work for those goals without incentive in the absence of reprisals. However, managers will respond more if there are incentives and people should be rewarded for efforts in this area. We are not clear concerning what a disincentive is so we can make no meaningful comment on that section.

24. Do you have any other comments or suggestions for the Task Force to consider?

There is one major area about which no questions were asked. That is housing for Federal employees. Department of Defense employees must live in government housing when on temporary duty if "adequate" housing is available. On too many bases linen is dirty, cockroaches abound, bathrooms must be shared, there is no telephone service, and rooms littered with garbage. When inspectors visit DOD installations, they should definitely stop in at the housing where employees must stay.

As bad as these quarters are, they end when TDY is over. The fate of other employees is not so fortunate. These people live in remote sites where there is no private housing available. Most often they are employed by the Bureau of Indian Affairs or the Forest Service. Housing is furnished at these sites and employees rent it. There is no alternative place to live. Often the housing is poorly constructed or without proper facilities. Efforts to have it repaired are unsuccessful; the excuse is no money.

When employees have no alternative housing and rents increase as much as 50 percent in one year, a safe and healthy home should be provided. We ask inspection of these facilities as well.

Mr. GAYDOS. Thank you very much, Mr. Peirce. Mr. Bailey will open the questions on behalf of the committee.

Mr. BAILEY. Thank you, Mr. Chairman.

I would like to start off by saying this is one of the most comprehensive and best organized statements we have had before us, complete with suggestions. I would like to get into a few things with you.

There is an attachment on your statement. Your members are employed by several different Federal agencies.

Now going to the substance of the statement you have just given us, are there any Federal agencies which, in your opinion, have a safety program that meets some kind of acceptable standard for you. If so, what are they, if there are any?

Mr. PEIRCE. I think my answer to that has to be no. If I had to choose, however, I think it would probably be the Department of Defense. But it, too, is seriously lacking. I think many, many instances have already been brought to the committee's attention that the Department of Defense is in fact not doing the job either.

Mr. BAILEY. Can you be more specific?

Mr. PEIRCE. The air bases in the Utah area have been brought to the attention of the subcommittee.

Mr. BAILEY. Are you talking about maintenance?

Mr. PEIRCE. Maintenance and cleaning, et cetera.

Mr. BAILEY. What do they do that someone else doesn't? This is an important point because we get a parade of Federal agencies before us telling us about programs that they want to start or implement and no one does. Apparently someone has done a little with theirs.

What are they doing that is successful and no one else is?

Mr. PEIRCE. Speaking candidly, the Department of Defense differs from the civilian agencies in that it is more regimented because it is a military organization. I think the managers and supervisors are more aware of regulations. Thus, there is a tendency to follow them more to a certain extent.

I think as far as the Department of Defense programs are laid out, they are followed much, much better than those in the civilian agencies. In the civilian agencies, on the other hand, we find middle managers and even top managers who are not aware of regulations and programs, and if they are, they simply ignore them, much more so than they do in the Department of Defense.

Mr. BAILEY. Which agencies are the worst?

Mr. BERNHARDT. We have had some bad experiences with the Department of Housing and Urban Development. We represent several offices across the country, and in a little straw poll I took of our union representatives, none of them can remember having a safety inspection of the office in the past 5 years.

We represent a great number of employees in the Department of the Interior, Bureau of Indian Affairs. These people are very often in remote areas on Indian reservations. They also do not have a great deal of experience with safety and health inspections in the Indian schools.

Mr. GAYDOS. Would you yield to me at that point?

Mr. BAILEY. Surely.

Mr. GAYDOS. We had them before us and in response to the same question they said they had all white collar employees and did not have many problems involving OSHA because everybody worked behind a desk.

Mr. BERNHARDT. I think that is a myth that white collar employees don't face occupational safety and health problems. There are a great many problems that are specific to white collar employees that don't receive attention.

Mr. GAYDOS. During the compensation hearings we had one which involved an overexuberant employee hugging another employee and cracking her ribs. That is a matter of record.

What other situations are you speaking to?

Mr. PEIRCE. I think, again on the white collar employees, that they are becoming more and more aware of this. It was several years ago

that we had an incident in Dallas, Tex., involving the Federal building there where all of a sudden we had cases of hypersensitivity pneumoconiosis, commonly called farmer's lung disease.

It took us, with urging to OSHA, GSA and everybody we could get a hold of, over a year to get those employees out of that building. They had outside doctors come in and actually test and so forth and they identified the problem.

Mr. GAYDOS. What was causing the problem?

Mr. PEIRCE. The cause of the problem was pigeons in the air-conditioning. On one-half of the old Federal building portion of it, washed air from the old water air-conditioners containing pigeon droppings caused this and it actually spread throughout the ducts.

Mr. BAILEY. Let me get into another area, Mr. Peirce, in which I have a particular interest. You have made a reference to the difficulty with the consistent OSHA standards. Of course, underlying that entire problem is the difficulty with some type of policeman who would apply OSHA to Federal agencies. What agency is then going to have an upper hand and have available to them the authority to go into other agencies and police them?

Now there are two questions that come up in that regard. One of them is penalties. Given the fact that we have a practical political difficulty with giving some agency in the Federal Government oversight responsibility, responsibility to go into police, we still have not solved the difficulty of penalties because of the nature of the employer.

I think you know what I am getting at. Do you have any suggestions in that regard? We have heard some good ones. I have some of my own. I am very curious to see what you think.

Mr. TILTON. If I may, Mr. Bailey, I think there should be a presumption, first of all, that if the Congress passes legislation which requires OSHA to enforce Federal safety standards in the Federal workplace, I think there is a presumption that other Federal agencies will follow the law. That may avoid the need for penalty.

I would also suggest that if those agencies do not follow the law and a report is made to the Congress, the various oversight committees may well take care of that problem.

The other possibility to take care of enforcement is to simply allow private individuals to proceed to court, to Federal court, and obtain——

Mr. BAILEY. Third parties?

Mr. TILTON. Sure, enjoin the relief against the agency. I have no doubt that the courts, if the law is specifically clear and the violation is clear, I have no doubt that the Federal courts will provide adequate injunctive relief against any agency that did not enforce the agencies.

Mr. GAYDOS. What kind of form would that relief take?

Mr. TILTON. I think injunctive relief.

Mr. BAILEY. You know, that is attractive as a remedy, but do you honestly think that's the answer, in itself? Let me add that I think it probably would be a necessary part of any enforcement procedure, also.

Mr. TILTON. I think it will be unnecessary because I believe the Federal agencies will follow the law. I think if Congress says to OSHA, you have the responsibility, the Federal agencies, assuming, of course, Congress gives them sufficient funds to correct the deficiency, I believe the agencies will follow the law.

Mr. BAILEY. I think a lot of us in Congress would love to do that. However, I think we are practical enough to know what we have to deal with. This is where I search and I think all of us in the committee search for some type of remedy to help solve the problem.

I am curious what your feelings on individual responsibility would be. I am talking about disciplinary actions or penalties. We have had suggestions, by people who come before the subcommittee, regarding some type of enforcement procedure against an individual that would go on his record, affect his employment, or even something akin to military systems of justice.

Mr. TILTON. That is possible under current law, under current standards. There is nothing that would prevent a manager right now today from saying to an employee or manager, you have violated the safety standards, I am going to issue a reprimand for violation or a disciplinary action.

There is absolutely nothing today that would prevent an agency from doing that.

Mr. BAILEY. What is the impact of that reprimand?

Mr. TILTON. It depends on the circumstances.

Mr. BAILEY. How much authority goes with it?

Mr. TILTON. Agencies could even remove a person. I think especially if a Federal manager is removed for failure to enforce standards, I would think that would have a very beneficial effect on other Federal managers.

Mr. BAILEY. I think you would have to write the law a little more definitively and attach it to the safety standards in order to make it effective. I don't think you will see that done very often.

As a practical matter, I don't think it would work well that way. That is my own feeling.

Mr. PEIRCE. We were not too happy with the Civil Service Reform Act, but in the Civil Service Reform Act there is a new performance appraisal system that has to be developed wherein performance standards are required, and in the development of those performance standards critical elements of each individual's job have to be identified.

Right now this doesn't necessarily extend to the SES, Senior Executive Service, or even those in the merit bonus area, 13, 14, and 15's. But I see no reason why it could not be. If we have a change in the law and put the onus on the manager in this critical area, where if they did not perform satisfactorily they could be removed; that gets down to the heart of the thing, I think.

Mr. BAILEY. I don't think unless it was specifically tied to the safety program and put into the law. One of the things we suffer in the Federal area as you well know is the lack of command emphasis, so to speak. If you are going to look to that general disciplinary procedure for help with this, I think you are still going to have a problem.

Mr. PEIRCE. Why shouldn't this be a critical element of a manager's job?

Mr. BAILEY. I don't think there is anyone in the United States of America who would question the fact, Mr. Peirce, that it ought to be. I think you made reference in your testimony to the Executive order. We all, including many of the agency heads, would like to see what the President would do in that regard.

We are dealing with writing the law and trying to put some teeth into it. I think that is where we are going to have to go. We have to do that very cautiously to be certain we resist any assault on the law. Those are problems we have to face, too.

I want to ask you one honest question: You use this phrase in your testimony, "consistent with OSHA standards."

Can you give us some examples or perhaps point at some agencies in particular—and that may be a very difficult question for you, I understand—where you don't think the agencies or some of the standards are not consistent with OSHA standards? We realize they are not being enforced.

Do you have anything off the top of your head?

Mr. BERNHARDT. I think in most cases the standards that agencies publish are virtually identical to OSHA standards. That is not the problem. The problem is the enforcement area. In some agencies, the standards have been a long time coming and the agency has not had anything published that we could refer to.

But it is the enforcement of these standards that is crucial. For example, I am sure the Social Security Administration has standards that do not allow electrical cords to be strung all over the room. Two weeks ago, I had a phone call from the Cincinnati district office of the Social Security Administration complaining that while they were doing remodeling, they had electrical cords all over the room and an elderly beneficiary fell and was sent to the hospital. This is the kind of problem we want to avoid.

In the same incident, a Federal employee who was pregnant at the time, also fell, and she may have broken her hand. She has been reluctant to get her hand X-rayed. We are working on that, too.

These are the things we want to have addressed.

Mr. TILTON. There is a lot of emphasis on excess paperwork. The fact is that the published standards are virtually identical to the private sector standards. There is a lot of lip service given.

So I think we could eliminate one whole set of Federal regulations simply by saying that the private sector standards are applicable to the public sector standards and thereby you get rid of one whole set of regulations which do nothing but repeat what the private sector standards are anyhow. The problem is enforcement, however.

Mr. PEIRCE. To address your question more directly also, even though many of the standards the agencies utilize are actually put into printing, because of that terminology, the interpretation is not to the letter of the standard.

Mr. BAILEY. That probably leads psychologically in an indirect way to a unique or different situation. I think the point is very well taken.

Mr. PEIRCE. I would like to note also that we have actually asked for a change in the law, not an Executive order.

Mr. BAILEY. Yes. I want to thank all of you very much.

Thank you, Mr. Chairman.

Mr. GAYDOS. Before Mr. Buchanan proceeds, I have one question. What have the unions done as far as organizing safety committees, as far as putting into their collective bargaining agreements standards, agreements, or principles? What have you tried to do? How about educational programs?

Mr. BERNHARDT. Mr. Chairman, we have in our national office a model collective bargaining agreement that we supply to our locals for them to base their contracts on.

The Occupational Safety and Health article, at nine pages, is the longest article in our model agreement. When we have them submit this to management, we find resistance and management often comes back with a counterproposal one paragraph long saying employees recognize their responsibility to observe safe and healthful work practices.

We have a lot of resistance. We take offense to this. We don't think we should have to fight so hard for something that is a matter of right. We have begun putting in training programs for our local officials in the area of occupational safety and health.

Mr. GAYDOS. Do you do it in conjunction with management?

Mr. BERNHARDT. No; we have been doing it insofar as our local training programs.

Mr. GAYDOS. Do you do it in conjunction with management or do you take these actions exclusively as the representative and the bargaining agent of the employees?

Mr. BERNHARDT. Thus far, our training programs on safety and health have been in conjunction with our training programs for union officials. Management is not involved. At our most recent national convention, we conducted a full day's training seminar on the safety and health program.

Mr. GAYDOS. Is there a uniform procedure that the unions have followed to date?

Mr. BERNHARDT. I would say no.

Mr. GAYDOS. Am I correct in concluding that in some areas you would have possibly more effective bargaining language than in others?

Mr. BERNHARDT. Yes; that is correct.

Mr. GAYDOS. And in some agencies you have an ongoing effective educational program and in others you have not been able to put a like program into effect? Is that the situation we are dealing with?

Mr. BERNHARDT. That is correct.

Mr. GAYDOS. Mr. Buchanan?

Mr. BUCHANAN. Let me pursue that same line for a moment.

On page 2 of your attachment, item 6, you indicate;

> The only places where worksite inspections have been effective have been where the inspection time and union participation are guaranteed by collective bargaining agreements.

Could you give us some indication of how many such agreements are in effect and with which agencies?

Mr. BERNHARDT. I would say we have this type of language which guarantees union participation in the safety inspections in nearly all the agencies where we hold recognition, but as far as the number of agreements, I don't have a good estimate.

Mr. TILTON. It is not necessarily fair to say that the fact that the clause is in there necessarily guarantees that it will be effective. But this is the only instance where we have had any success.

Mr. BUCHANAN. Could you indicate the areas where it has been effective, or with what agencies has it been effective? You say you have it in all the agencies?

Mr. PEIRCE. Mr. Buchanan, I think on the page after at the start of the questionnaire, we have listed there the agencies and the number of employees we have covered under contract in the various agencies.

Now understand that contracts sometimes cover a small number of employees and we are not speaking agencywide. We are speaking about activities within an agency.

For this reason you will find a large disparity within an agency. Because we have a good contract at one activity is no sign that we have a good contract in another activity within the same agency. It depends upon the managers and their commitment to occupational safety and health.

Mr. BUCHANAN. I certainly am sympathetic to the basic thrust of your testimony. The Federal Government is supposed to be the physician for the whole country, and the physician certainly needs to heal himself.

The idea of a double standard has always troubled me. We, and I think quite properly, have been pretty tough in the enforcement powers available to the Federal Government when it comes to the private sector and action that can be taken to assure compliance. It shows that we should gain comparable assurance in the Federal establishment.

You indicated that your union does safety and health training, at least in some places. You also indicated that the hazard reporting system doesn't work. You said one reason it doesn't work is that it has not been properly explained to employees.

I assume when you are operating training programs, this is an area you try to cover.

Mr. PEIRCE. Yes, sir, absolutely.

Mr. BUCHANAN. Would this be a part of your standard training content?

Mr. TILTON. The problem is, Mr. Buchanan, we can explain it to our people, but we represent only rank and file. If the managers don't want to cooperate, it doesn't do a whole lot of good. That is frequently the case.

Mr. PEIRCE. Might I add that I think it was the early part of last year, in our contracts that we were proposing to management, we started putting on the table a proposal whereby both management and the union would involve themselves in training of this nature.

We feel that this is an avenue, really, to a mutual understanding of the situation of having occupational safety and health programs.

In addition to that, when we are able to negotiate it in the contract, it would achieve a mutual understanding of how the procedure related in that contract would work from both sides and the responsibilities of both sides on the program.

We have found a lot of resistance to this approach to training and we feel it could resolve a lot of problems.

Mr. BUCHANAN. Thank you very much.

Thank you, Mr. Chairman.

Mr. GAYDOS. Would you make available to the committee your model contract, including the model relating to health and safety education?

Mr. BERNHARDT. Yes, Mr. Chairman, we will.

[The information referred to above appears in the appendix.]

Mr. GAYDOS. You state, as I understand, that management is a problem. In some areas you have a good manager who may be sensitive to your problems and another agency is not sensitive.

If that is true, would you advocate and could you support the Civil Service Reform Act again? Then theoretically a manager who had a couple of stars behind his name, with the issuance of further citations because of his insensitivity to the problem, would have a problem if he accumulated enough of those stars?

Mr. TILTON. I don't know if we want to open up the Civil Service Reform Act again, but I think this committee could take care of that problem if nothing else than through a very, very strong legislative history. I think this committee can well handle that problem.

Mr. GAYDOS. It has been suggested that if we had a two-star fellow, regardless of which branch, and he was interested in a third star, that he would be darn careful to make sure that he didn't get those extra citations.

Would that be practical? Injunctive relief is an extraordinary remedy as we all know as lawyers. You can't use that too often.

Mr. TILTON. That is not necessarily true. If this committee were to put specific language in the law which provided for injunctive relief, it wouldn't be all that uncommon.

Mr. GAYDOS. Well, historically, it being an extraordinary remedy, you would have difficulties. Injunctive relief, as I understand it, is called upon as an extraordinary remedy in extraordinary circumstances. You know how difficult it is to get injunctives with elongated hearings, et cetera.

So, I would rather go the practical route rather than the legal route of injunctive relief.

Mr. TILTON. If the language in the law were quite specific and a Government agency had that hanging over their heads, they would be much more amenable to following the law.

Mr. GAYDOS. Mr. Bailey?

Mr. BAILEY. I would like to say something. I happen to agree with the chairman very, very strongly. One of the difficulties with an injunctive remedy is its extraordinary nature, the reluctance of the court to grant it as well as the onus and pressure it puts on the person who has to bring it. I'm certain, you are very much aware of the burdens that it brings with it.

You are devoid of a situation where you have to post bonds which would not apply in a case like this. You would have to define, I think, very, very clearly this injunctive remedy. You are not talking about an injunctive remedy that would be as easy to write or apply as the common law remedy that you and I are thinking of generically. It is a different matter.

If you are going to sit down and construct some type of injunctive remedy that will be effective, you will have to come up with a new animal because you have a new animal to deal with.

I think there might be more effective ways to solve that problem and put a little more power into your hands. I think that would be a good place to start. I don't think you could get too much support for that idea, not that it is not deserved in a lot of cases. But I wonder if you have to write a law that really aims at that remedy because, going back

to something you said earlier, in some cases there is enough there right now to go after it.

Mr. TILTON. I would only say, Mr. Bailey, in response to your question, yes, we are talking about a whole new animal. Under common law certainly it is very, very difficult to obtain injunctive relief. I am suggesting that the Congress has the power to change common law. You can write different standards and make it easier to get injunctive relief. That is one method of enforcement which I believe is part of the problem.

I don't think that it is going to be all that necessary. I think that if the Congress writes a good, sound law with this as the backup enforcement, I think the Federal agencies are probably going to follow the law in a great majority of cases.

Mr. GAYDOS. On that point, if I may, when you say Congress should write the law, are you suggesting possibly it may be the Post Office Subcommittee or Civil Service rather than this committee? I am talking about setting up some of the prerequisites or requirements of a job classification.

The medicine may come from that end rather than from this committee. Once we open this act up, it is like a jack-in-the-box. You don't know where it is going to go. It may end up by being far outweighed by the bad that might be put into the act.

Mr. TILTON. If we are talking about jurisdiction, I believe the jurisdiction of this committee is certainly more appropriate to write health and safety standards than is Post Office and Civil Service. I suppose——

Mr. GAYDOS. You know, we are not talking about standards. We are talking about getting that person in that particular Civil Service classification to do the job. I think we are in full agreement that you would not have any problems if you had some sensitive supervisor in the various agencies. That is, sensitive to the needs.

In other words, they would be cooperative, sit down with your committees, respond and make budgetary requests. They would also reprimand employees immediately under them.

If you had people functioning in this respect, you would not be here before us. You would probably say everything is fine. We are taking care of it in a representative capacity. But we don't have that situation, do we?

Mr. TILTON. Probably true, but it has been our experience that managers are more sensitive if there is the compulsion of law to make them more sensitive.

Mr. GAYDOS. Don't you think that manager would be more sensitive if a promotion were pending?

Mr. TILTON. If the law said he shall do so.

Mr. PEIRCE. I don't care how you write the law. We are kidding ourselves if you say merely by putting it in the law every manager will do what they are supposed to do. Historically it has not happened. It will not in the future. We have to have along with that some strong inspection and enforcement process in order to achieve the end.

I understand where you are coming from. It is a possible avenue. But unless we have in conjunction with the standards themselves some strong inspection and enforcement process, something that has teeth in it, we are not going to achieve the desired end.

Mr. GAYDOS. You know I have the utmost respect for you, Mr. Peirce. The unions have to have a piece of this action, too. They have to get in there with both feet. That is the reason for the existence of a union. If you are a representative bargaining agent for an employee, you have certain duties. I am not telling you.

Mr. PEIRCE. You would be telling me. It would be the more practical situation.

Mr. GAYDOS. But that is true, isn't it? You have grave responsibilities, probably one of the most sensitive responsibilities of a representative agency such as yours is in this area we are speaking of. You are going to have to show a lot of leadership. It is not that I am trying to shuck the responsibility of this committee. I am not. We have shown in the past that we don't have to do that, but we are looking for practical solutions because you are treading in a sensitive area.

There is a reason why we could not get this included in the original bill. We could not have passed the act. You all know it. We are not talking to strangers or babes in the woods. We all know from a practical political standpoint we could not pass this act. We had to take that piece of it.

Mr. PEIRCE. I can agree with you, Mr. Chairman. I would like to say just one thing. I wish the whole Congress had viewed the union's responsibility in this area as serious as I assume that you do in their putting into the Civil Service Reform Act what they did in the way of Federal labor management relations because therein they did not provide us the teeth really to get what we need in this area.

We are seriously hamstrung. If we had what the private sector has, then we could, I think, accomplish our responsibility. But we are so hamstrung in many areas that with the stonewalling and the stalling that management can do, especially on this issue here, we literally get nowhere. Part of the problem there is the law itself. That is what we are pointing out.

Mr. GAYDOS. I am in most sensitive sympathy with you. I know you are right. There is a gross inadequacy there and your hands are tied. But based upon historical precedents established, you work better under pressure and limitation. So I have a lot of faith that you are going to do what has to be done even with the limitations.

I agree with you, I would be very angry, if not disappointed, if I were in your position. Let me ask you a couple of practical questions.

One, we had other agencies before us. They testified they had these department management boards. They were collateral duty individuals. A man had a supervisory position and as a collateral duty he had the responsibility of providing health and safety oversight or management.

How do they work from a practical standpoint?

Mr. BERNHARDT. I would say the collateral duty people are ineffective. I don't think it is necessarily their fault. They are asked to be the personnel administrator, for example, in charge of pay, compensation, labor relations, and occupational safety and health. These are all positions that require a great deal of expertise. When one individual has to wear three and four hats, all of them suffer.

I mentioned earlier the Bureau of Indian Affairs and their remote locations. The Bureau will explain that for budgetary reasons they

cannot afford to hire a safety engineer or industrial hygienist to be on each reservation to serve as a safety official.

Mr. GAYDOS. One agency testified it would have cost them budgetwise $500 million. Counsel advised me it was the Department of the Interior. That is what they say they would need to provide the minimum amount of acceptable or adequate safety and health standards to comply with the Executive order.

Is that true?

Mr. TILTON. I think they must be puffing a little bit. But if it is that bad, I would hate to see how bad the conditions are out there if it takes $500 million to correct them.

Mr. GAYDOS. I asked the same question to subsequent agencies that testified and, of course, we have had various figures. Most of them did not agree with that.

Mr. PEIRCE. Are they speaking in terms of money to correct deficiencies now or money for personnel to implement and achieve an effective program or both?

Mr. GAYDOS. I would have to presume, trying to be a reasonable person, that they included correcting deficiencies and probably it would get mixed up with the GSA responsibilities like the falling roof. I presume that.

I cite this example as an illustration that there is conflict. There is not a general consensus of opinion as to what should be done or what path we should follow. That is why I asked the question as to the money, the cost, and, secondly, as to these part-time or collateral duty management personnel which have been pointed to.

You see, every one of these agencies, if I may explain, took the position that they made an attempt or they did acquiesce to the executive order. That is, they put certain personnel aside, made certain classifications and gave them assigned duties. That was their interpretation of an attempt to coincide with the order as far as numerical employees in a management capacity.

All of us here know that that doesn't solve the problem. Maybe you can comment on that. Am I wrong in my thinking?

Mr. TILTON. No, the chairman is completely correct. What they are talking about is a paper shuffle. They moved a couple of boxes around and have given a few people some assigned duties. But that doesn't resolve the problem. There has to be a genuine commitment and perhaps there has to be some dollars spent. $500 million seems a bit excessive for just one medium-sized department.

But I would say this: The Congress has not been reluctant to impose on the private sector the obligation to spend dollars to make its workplaces safe and healthful, so I don't think the Federal agencies and the Congress should be so reluctant if money is required to spend the extra dollars to make it safe for Federal workers.

Mr. GAYDOS. Have you seen much evidence of an employee exposed to a dangerous or toxic substance being encouraged to take a disability rather than changing his workplace? Do you see much evidence of that?

Mr. PEIRCE. Yes, it often depends on whether they want to get rid of the employee or not. If they are not particularly interested in getting rid of the employee, they will always shuffle him around.

I come out of the Air Force Training Command, where I was an instructor on jet engines. We worked with a high noise factor as well as toxic materials. I have seen it happen. Eventually in my career I achieved a point where I had lost enough hearing to require my removal from the jet engine area.

The same thing happened a lot of times with toxic fumes. Individuals would develop allergies relative to certain materials. I don't know that I can cite specific cases because it has been a long time, but I have seen, I know, people moved. They found jobs for them someplace else where they would not be in the environment. Most of the time they could do this, while in other cases, because of biases, the encouragement for the employees was to disappear.

Mr. GAYDOS. Did his earnings remain constant or his job classification remain constant?

Mr. PEIRCE. Most of the time I would say it would, but it depends. In the area I worked there were jobs, same grade and same series, but not in the noise environment or in the toxic areas.

Mr. GAYDOS. But there was nobody there to protect that situation whereby a man, if he were earning a certain amount of money, could learn to be dependent upon the fact that if he did develop an allergy, he would be transferred to another job and his earning capacity wouldn't be interfered with. He would continue getting the same pay. He is not protected along those lines. It may have happened sometimes.

Mr. TILTON. If it happened, it was accidental. What frequently happened in the Federal sector, if you are assigned to a specific job and for some reason or another you can no longer perform that job, usually one of two things happens, you are removed from the Federal service or you are reassigned to another job. If by accident you are reassigned to the same grade, then your salary is protected. If you are reassigned to a lower grade, then, of course, you would have the same pay for a couple of years, but sooner or later your salary would go down.

Mr. GAYDOS. In the black lung legislation we found out that the European countries have been doing this change of jobs for some time. That is, moving a miner from one phase of the operation to another secondary phase of the operation. They have been taking X-rays for 25 years in England. We come along and think we are the most progressive nation in the world.

When I analyze the practical existing situation, I find I am embarrassed that we are so far behind. I don't have to look far for examples.

You mentioned that asbestos contamination from the bird droppings, can I have some specifics for our record?

Mr. PEIRCE. I think we can provide the committee with a case file on it. This occurred, as I recall, about 1975. It was the Federal Building in Dallas, Tex., which we have a rather large exclusive there.

Mr. GAYDOS. The St. Louis, Mo., asbestos in the ventilating system?

Mr. PEIRCE. That is different. That is still ongoing.

Mr. GAYDOS. Can you give us what you have on that?

Mr. PEIRCE. Yes, sir. Do you want both of them?

Mr. GAYDOS. Yes, if it is not too much work.

If you have any other like situations, please make that available and supply us with specific information regarding safety and health

situations generally as you have grown to know them in the running of your operation and the representing of employees, the difficulties and how widespread the insufficiencies are, where you have model training, and the health and educational programs in existence so we can get a comparison.

We would like to have that if we could. I think we need that.

Would you be so kind to identify for the subcommittee what agencies were involved during the last 2 years where your organization has consulted on repetitive times?

One time you mentioned they were consulted 13 times with respect to health and safety matters and you had no practical response from them. If you can give us those troubled areas, we would like to have those, too.

We will submit additional interrogatories to you, and if it is at all possible, please give us as accurate and comprehensive information and response to those inquiries as you can.

Mr. PEIRCE. Mr. Chairman, we will be very happy to comply with all of that.

[The information referred to above follows:]

QUESTIONS ADDRESSED TO MR. PEIRCE, PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

1. Referring to the attachment to your statement, I noticed that your members are employed by several different Federal agencies. In your opinion, does any Federal agency implement a reasonable safety and health program for employees?

2. What agencies leave the most to be desired with respect to safety and health programs?

3. Could you comment on the effectiveness of the safety committees at the various agencies that employ your members?

4. Are the functions of the committee clearly spelled out?

5. Do the employee members of this committee receive their regular pay or do they have to take annual leave or leave without pay while attending meetings?

6. With what agencies does your organization have collateral bargaining agreements which provide for union participation in inspections?

7. With what agencies do you have such agreements?

8. Do your collective bargaining agreements provide for employees to refuse to work under unsafe conditions?

9. What rights to your members have to file grievances under such circumstances?

10. Are there any other safety and health matters for which your employees may use the grievance procedure?

11. With what agencies does your organization have collective bargaining agreements requiring the agency to provide protective clothing, equipment, and safety devices?

12. Do any of these collective bargaining agreements provide that the union shall be consulted for their recommendations prior to the purchase of such protective equipment?

13. Do any of your collective bargaining agreements with Federal agencies provide for light duty assignments for employees who have been injured on the job?

14. Do any of your collective bargaining agreements prohibit reprisals against employees for reporting safety hazards?

15. You refer to the controversy which surrounds the phrase, "consistent with OSHA standards". Can you provide the subcommittee with examples of what, in your opinion, are agency standards which, in fact, are not consistent with OSHA standards?

16. We have previously heard testimony with respect to the Department of Defense that even though the same or comparable operations are carried on at different locations, the agency standards are not the same at all locations. Can you comment on this?

17. It would appear that all employees working at comparable jobs should certainly be provided the same safety and health protection. What has been the position of your organization on this? Have you endeavored to resolve the problem through the collective bargaining process?

18. With respect to the agencies that have already appeared before this subcommittee the picture is quite clear that they have very few full time safety and health officers. Instead, they rely on the use of the collateral duty officer. What is your opinion of the effectiveness of these collateral duty officers? Can you provide the subcommittee with specific examples, which would clearly indicate how nonresponsive or ineffective the collateral duty officers are in fact?

19. We have previously heard testimony that where the responsible party for correcting any workplace hazards is the General Services Administration, that the Federal agency which is occupying the premises more or less has its hands tied with respect to responding to complaints of its employees. Could you comment on this? Could you give the subcommittee specific examples of this problem?

20. You refer to a problem involving asbestos contamination of the ventilation system at a Federal office building in St. Louis, Mo. Could you supply the subcommittee with details? Could you provide more specific information as to the efforts of your organization to remedy this problem as well as the response of GSA?

21. Where else do your members face a danger from exposure to asbestos?

22. How extensive a health and safety training program is provided for the members of your organization who are employed in the various Federal agencies? Could you supply specific information?

23. You refer to the fact that in the past 2 years your organization has been consulted 13 times with respect to health and safety matters. Can you identify for the subcommittee what agencies were involved and what were the issues covered?

24. You refer to the fact that in some instances where an employee developed a reaction to a chemical or some other substance that management, rather than remove the chemical or substance, forced the employee to take disability retirement. How widespread is this practice? Can you supply the subcommittee with specific details on this?

25. You state that you would like to see the occupational safety and health administration assert full jurisdiction over the Federal sector. With respect to fines, who would pay them?

26. If the agencies paid them, how effective a deterrent do you think it would be?

27. I can understand your position that OSHA standards and not merely agency standards which are "consistent with OSHA standards" should prevail in the Federal workplace. I also understand your position that OSHA inspectors should be authorized to inspect the Federal workplace. A question arises as to what takes place from then on. Should OSHA be provided the authority to issue citations and assess fines? Or do you think another Federal agency should have such responsibility?

28. Can you foresee the use of the occupational safety and health review commission as providing a forum for resolving the problem of safety and health in the Federal sector, with perhaps some variation from that which it currently plays in the private sector?

Mr. GAYDOS. I have no further questions. Do any members of the committee have any further questions?

I wish to commend you on a very concise and pointed presentation. I think that we are probably going to get a lot of worthwhile information. I thank you for taking your time before us. I know that you will be utilizing the services of your expert employees. I appreciate that.

I want to thank you now on behalf of the committee for any cooperation you may give us in responding to those items that I referred to.

Thank you so much for helping us try to solve this problem.

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Mr. PEIRCE. Thank you, Mr. Chairman. We are most happy to have had the opportunity.

Mr. GAYDOS. Thank you.

The subcommittee will stand in recess until Monday, June 4, when these "Oversight Hearings on the Occupational Safety and Health of the Federal Employee" will resume at 10 a.m., at which time witnesses from the National Treasury Employees Union will testify.

Until then, the committee will stand in recess.

[Whereupon, at 11 a.m., the subcommittee recessed, to reconvene Tuesday, June 5, 1979, at 10 a.m.]

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

TUESDAY, JUNE 5, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2257, Rayburn House Office Building, the Honorable Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Murphy, and Bailey.

Staff present: Paul F. Dwyer, counsel; Edith Carter Baum, minority counsel for labor; and Rebecca Davis, research assistant.

Mr. GAYDOS. The subcommittee will be in order.

This morning we are continuing with our "Oversight Hearings on Occupational Safety and Health of Federal Employees."

Appearing before the subcommittee this morning is a representative of the Laborers' International Union of North America, AFL–CIO.

At this time, on behalf of the committee, I wish to welcome James J. LaPenta, Jr., director, Federal-Public Service Division. Welcome to the subcommittee, and you may proceed in the manner you deem best.

Without objection, your written statement will be made a part of the record in these proceedings.

[Prepared statement of James J. LaPenta follows:]

PREPARED STATEMENT OF JAMES LAPENTA, JR., DIRECTOR, FEDERAL-PUBLIC SERVICE DIVISION, LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL–CIO

Mr. Chairman and members of the committee, I am James J. LaPenta, Jr. My statement today, which I ask be made part of the official record, is on behalf of the Mail Handlers' Division of Laborers' International Union of North America, AFL–CIO. Our union has more than a half-million members, including nearly 100,000 who hold postal and other Federal civilian jobs.

Our Mail Handlers' Division is one of four unions holding exclusive bargaining rights for employees of the U.S. Postal Service. While it is not my intent here to minimize the hazardous conditions under which all postal employees work, I believe it fair to point out that the members of our bargaining unit, the Mail Handlers, perform some of the most dangerous work at the U.S. Postal Service, work that leads to hundreds of serious injuries each year.

Mail handlers operate much of the heavy, mechanized equipment found these days at Postal Service facilities. They are the ones that work the tow motors, fork lift trucks, unloaders and heavy conveyors, and they do most of the "grunt" work. Their hours and days are spent lifting heavy mail sacks in facilities that are noisy, dusty and lacking in adequate ventilation.

It, therefore, should come as no surprise to you, Mr. Chairman, or to the members of this committee, that we endorse the concept of bringing the U.S. Postal Service workforce in under all the provisions of the Occupational Safety and Health Act by statute.

The fact, plain and simple, is that this nation's 600,000 postal workers are being denied the equal protection under the law provided millions of other Americans by OSHA. While the provisions of OSHA ostensibly are applied to the Postal Service, they are honored more in the breach than in the deed.

The present situation necessitates that it could be no other way. Section 19 of OSHA requires Federal agency heads to promulgate general safety and health policies, conform to OSHA standards and consult and even bargain with unions in formulating their policies. The statute further authorizes an advisory committee to the Secretary of Labor consisting of Federal and postal management and labor representatives to review safety and health practices. Subsection (f) of section 19 requires Federal agencies to adhere to the same standards applied to private industry.

Mr. Chairman, the language is there to protect our members, but that is all that is there—language. While Federal agencies must observe legally the same standards used in the private sector, it is vitally important to point out that Federal workers do not enjoy rights equal to their counterparts in private firms:

The Department of Labor is not empowered to make unsolicited or unannounced inspections of work places, nor is it authorized to enforce safety and health standards on behalf of workers.

This serious shortcoming should not be a mystery to anyone. In 1971, Executive Order 11612 was issued to strengthen implementation of section 19. The obvious need for improvement in the Federal occupational safety and health program was acknowledged through the issuance of a more forceful Executive Order 11807, in 1974.

Executive Order 11807, promulgated by President Ford, reiterates the general requirements of the law, and specifies the responsibilities of agency heads, the Department of Labor and the advisory committees. The role of the Labor Department ostensibly was strengthened.

Executive Order 11807 specifies six duties of the Secretary of Labor. The Secretary is required to:

1. Develop guidelines to assist agencies to establish and operate effective safety and health programs.
2. Prescribe illness and injury reporting and recordkeeping requirements for agencies.
3. Make available to all agencies consultation that will assure their standards are consistent with standards promulgated under the act.
4. Upon the request of federal agencies, conduct inspections and evaluations of agency working conditions, identify unsafe or unhealthful working conditions, provide assistance to correct such conditions and train appropriate agency health and safety personnel.
5. Evaluate, at least once a year, the occupational safety and health programs of agencies employing more than 1,000 persons and, as the Secretary deems appropriate, for all other agencies.
6. Submit a summary report, assessing the Federal agency Occupational, Health, and Safety programs the President which specifies the agency's problems in developing needed corrections and offering recommendations for improvement.

The Executive order requires each agency head, after consulting with employee representatives to establish and maintain a safety and health system fulfilling the requirements of section (19) of the act. Further, the agency head shall, in order to insure their programs are in compliance with standards prescribed by section (6) of the act:

1. Designate an agency official with sufficient authority to represent effectively the interest and support of the agency head to administer its OSHA program.
2. Establish an occupational safety and health management information system consistent with the requirements of the order.
3. Establish procedures for the implementation of agency standards consistent with the standards promulgated under the act; assure prompt attention to reports by employees or others of unsafe or unhealthful working

conditions, including those involving facilities or equipment furnished by another government agency, informing the Secretary of the significant difficulties confronted in this matter.

4. Supply adequate safety and health training for officials at different management levels, which will include the transition of information on the operation of the agency OSHA program and the method and role each person can perform to help the program's operation.

5. Annually submit to the Secretary a report which will comply with the guidelines established by the Department.

6. Cooperate with and assist the Secretary of Labor in performing his duties prescribed under section (19) of the act and section (3) of the Executive order.

7. Observe the regulations published by the Secretary of Labor pursuant to section (3) of this order considering the mission, size and organization of the agency.

In early October, 1974, the Secretary of Labor issued regulations to implement the Executive Order 11807 and section (19) of the act.

President Ford, in February, 1975, further emphasized the intent of Executive Order 11807 in a memorandum to the heads of the Federal agencies:

"I have issued this Executive order to strengthen the occupational safety and health programs of all Federal agencies. It sets forth specific duties for the heads of Federal agencies to establish and maintain effective occupational safety and health programs * * *.

"As the Nation's largest employer, the Federal Government must set an example in the maintenance of safe and healthful working conditions for its employees."

Despite the apparent intention of the President to create a strong safety and health program in the Federal Government, which would be exemplary for other employers, this has not become a reality.

The statutory and Executive order language which establishes a safety and health program in the Federal sector is nothing more than a "paper tiger." Elementary safeguards for employees are not present in the Federal sector as are required under section (5) of the act for private sector employes. Unannounced inspections by the Department of Labor, with sanctions to enforce compliance with OSHA standards, are not available in the Federal service.

The requirement specified in section (19) for the Secretary of Labor to submit to the President a summary or digest of the self-evaluation reports by Federal agency heads has not been met.

The Act's language, however, in this matter is clear. Section (19) states:

"(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a) (5) of this section, together with his evaluations of any recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section."

Through December, 1975, the Department of Labor had submitted only one published report to the President covering the first year of operations, ending December, 1971. During this time, formal reports on the Federal Occupational Safety and Health programs were not presented to the Congress.

The inadequacies of the Federal program have been highlighted by the Comptroller General of the United States in three reports. In March, 1973, report B–163375 recommended the Secretary of Labor direct OSHA to adopt a stronger leadership posture in four areas:

1. Prepare and issue regulations as guidelines to Federal agencies for their safety programs;

2. Develop and expand inspection programs to insure that agencies are providing adequate safety and health conditions of work for their employees;

3. Assist agencies in resolving difficulties with recordkeeping and recording systems; and

4. Help agencies develop qualified staff to inspect Federal work places to insure that the potentially hazardous conditions are identified and eliminated.

In 1974, a followup study involving reinspection of work sites in the Federal sector showed there had been no improvement in the Federal safety and health program's effectiveness.

A third report by the Comptroller General was issued in August, 1976, reported the results of a safety and health inspection study of seven major Federal agencies employing 1.4 million civilian employees, or more than half of the total of 2.7 million civilian workers.

Approximately 1,400 violations of occupational safety and health standards at 30 randomly selected locations were noted by OSHA inspectors used by the Comptroller General in his study. In private industry, such violations would have resulted in penalties estimated at $90,000.

In addition, numerous mechanical, fire and electrical, housekeeping, and toxic chemical hazards were uncovered in these seven agencies. Even the recordkeeping system employed was generally too incomplete to be able to assess the cause of illness and accidents and, therefore, to work toward elimination of the hazards. This deficiency also exists in the private industry recordkeeping system.

Because of the Federal budgetary process, there is merit in examining the safety and health requirements of Federal agencies to ascertain needed funding to eliminate such hazards.

An effective mechanism to respond immediately to employee complaints of hazardous working conditions is a critical element in safety and health programs. Although OSHA provides this, and Executive Order 11807 requires that the head of each Federal agency establish a procedure for prompt action on employee reports, serious deficiencies continue to exist. Six of the seven agencies surveyed by the Comptroller General had not established adequate policies and regulations to obtain and react quickly to employee complaints. In most cases, records of the complaints received and actions taken to correct the hazard were not maintained.

In January, 1976, a House Government Operations Subcommittee released a report on the OSHA system for Federal agencies, which criticized seven areas of activity. Included was need for improvement in issuing policy directives and consulting with employee representatives. In pursuing the subcommittee report, the Public Employee Department discovered that 28 percent of national Federal agencies had issued no general policy directive and 33 percent had failed to designate joint employee-management committees.

The record of Federal Government agencies' endeavors to establish viable occupational safety and health programs is poor. Weaknesses in section (19) of the statute have been demonstrated through the agencies' general disregard of the program specified in the law. However, the deficiencies and omissions of coverage of Federal employees under OSHA have created the situation in which inattention to Federal safety and health programs is fostered.

In the U.S. Postal Service, the Postal Reorganization Act of 1970 described the rights of unions to continue their right granted by an Executive order of President Kennedy to bargain safety and health issues.

Under our contract with the U.S. Postal Service, workers confronted with unsafe or unhealthful conditions have three legal methods of redress:

1. Complain to the immediate supervisor, who is required to investigate the accusation and take corrective action,
2. File a grievance, if the condition is not corrected immediately, and
3. Report the condition to the local Joint Labor-Management Safety Committee.

While it can be demonstrated that there are procedures to protect postal workers, our experience until very recently has been that postal management wasn't especially interested in protecting its workers.

In bargaining and in labor-management discussions with the three previous Postmasters General, the so-called "radical" postal reformers of the last decade, it was obvious that worker safety was not very high on their priority list.

We have seen a change in attitude with the appointment of the current Postmaster General. Worker safety is taken much more seriously in the Postal Service than at any time in the last 10 years, and we are beginning to see a decline in the number of injuries per hours worked. The fact remains, however, that the Postal Service is still too hazardous to its workers' health: the Postal Service has by far the highest injury rate of any Federal agency, including the military.

The latest statistics we have are, unfortunately, out of date. We have searched in every conceivable place and in every possible agency for updated figures, but we've not been able to turn them up. Nevertheless, we believe a statistical

table published in March 1973 in a "Report to the Committee on Labor and Public Welfare, United States Senate (B–163375)," presents a harrowing tale. That table, which follows, shows clearly that the rate of disabling injuries for postal workers is six times higher than the rate for Air Force personnel, nearly six times higher than the rate for Navy personnel and more than five times the rate of Army personnel.

Mr. Chairman, our members are postal workers, not soldiers.

REPORT TO THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE (B–163375), MAR. 15, 1973

DEPARTMENT OF LABOR ESTIMATES OF CIVILIAN DISABLING INJURIES AND FREQUENCY RATES FOR SELECTED FEDERAL AGENCIES

Agency	Employees in 1971	Frequency rates for—		Disabling injuries in 1971 [2]
		1970 [1]	1971 [1]	
Agriculture	112,616	8.2	7.0	1,649
Commerce	34,783	6.7	3.5	252
Defense	1,080,935			
Air Force	244,903	4.7	4.6	2,829
Army	423,673	3.4	3.6	3,139
Navy	353,386	3.7	4.0	2,964
Other	58,973	3.1	3.2	398
Health, Education, and Welfare	111,490	3.3	3.5	816
Housing and Urban Development	16,492	2.2	2.0	67
Interior	68,511	7.6	7.3	1,034
Justice	43,473	4.0	4.1	374
State	38,140	1.7	1.9	153
Labor	12,044	2.1	3.1	78
Transportation	69,669	4.5	4.4	637
Treasury	100,271	3.0	2.8	587
Post Office	721,000	14.1	12.0	17,466
Veterans' Administration	176,068	6.0	5.5	2,001
General Services Administration	38,488	6.4	4.9	392
National Aeronautics and Space Administration	30,029	1.8	2.0	124
Tennessee Valley Authority	25,314	6.7	6.9	364
Government Printing Office	8,289	5.5	8.8	152
Selective Service System	7,814	1.6	2.3	38
Atomic Energy Commission	7,236	1.7	1.6	24
Environmental Protection Agency	6,831	[3]	1.3	19
Civil Service Commission	5,684	1.6	1.9	22
Library of Congress	3,950	3.5	3.5	29
Smithsonian Institute	2,654	5.8	5.1	28
National Labor Relations Board	2,265	1.3	1.7	8
Railroad Retirement Board	1,789	2.2	2.4	9
Interstate Commerce Commission	1,685	.6	1.7	6
Securities and Exchange Commission	1,375	.7	.7	2
Federal Trade Commission	1,340	.7	2.2	6
Federal Home Loan Bank Board	1,310	.8	1.1	3
National Science Foundation	1,151	0	2.1	5
Federal Reserve System	1,140	.5	0	[3]
Federal Power Commission	1,099	0	.4	1
Civil Aeronautics Board	654	0	1.5	2
Federal Mediation and Conciliation Service	440	1.1	4.4	4
Export-Import Bank	376	0	0	[3]
Federal Maritime Commission	272	0	0	[3]
U.S. Tariff Commission	253	0	0	[3]
Renegotiation Board	238	0	2.0	1
All others	[4] 175,625	[3]	[3]	[4] 947
Total	2,912,793	6.6	6.0	36,630

[1] Source: 1972 Report to the President by the Secretary of Labor on Occupational Safety and Health Programs in the Federal Government, pp. 83–86.
[2] The injury frequency rate is the number of disabling work injuries per million employee-hours worked.
[3] Figures not available.
[4] Estimated figures.

Our union's files contain thousands of examples of injuries received by members on the job. We don't want to take this committee's time by relating our long list of "horribles," but we think a few examples might be appropriate.

Rochester, N.Y. —Mail handlers face many hazards due to unsafe working conditions involved in the loading and unloading of trucks, lifting overweight mail sacks, operating equipment and by just being near equipment that is unsafe.

From December 1977 to March 1979, there were 66 injuries to a complement of 190 mail handlers.

OCCUPATIONAL INJURIES AND ILLNESSES, ROCHESTER, N.Y. BRANCH

Name	Date of injury	Nature of injury
1. Roger Clemons	Jan. 7, 1978	Lower back.
2. Larry Peacock	Dec. 13, 1977	Left shoulder.
3. Patrick ScLamo	Jan. 17, 1978	Right hand.
4. Larry Peacock	Jan. 12, 1978	Right foot.
5. A. L. Rivera	Jan. 19, 1978	Hernia.
6. Carl Warner	Dec. 16, 1977	Bruised right arm.
7. Joseph Palmeri	Dec. 17, 1978	Back trouble.
8. Lee Christoff	Feb. 20, 1978	Lower back.
9. Robert Donovan	Feb. 28, 1978	Right shoulder, back, arm.
10. Leon Rosen	Mar. 22, 1978	Bruised left knee.
11. Raymond Riley	Mar. 30, 1978	Bruised right little toe.
12. Craig Milne	Apr. 12, 1978	Right foot injury.
13. Thomas Garvie	Apr. 2, 1978	Back injury.
14. Leo Poleszak	Apr. 11, 1978	Left heel.
15. Mark Marrota	Apr. 28, 1978	Lower back.
16. Anthony DeMonte	Apr. 25, 1978	Left ring finger.
17. Paul O'Heany	May 16, 1978	Bruised ribs, right side.
18. David Gerling	May 10, 1978	Back problem.
19. Gary Ippolito	May 23, 1978	Right shoulder.
20. Dave Spagnola	July 7, 1978	Back.
21. Mike Laudico	July 21, 1978	Lower back.
22. Robert Clyde	July 14, 1978	Left wrist.
23. Calvin Gliem	Aug. 7, 1978	Left foot.
24. Sabastian LaChiusa	July 6, 1978	Both knees.
25. Craig Millner	Nov. 7, 1978	Muscle left arm.
26. Anthony Natrigo	Dec. 24, 1978	Right thumb.
27. J. Sperenza, Jr	July 30, 1978	Right thigh.
28. Mark Marrota	Aug. 30, 1978	Groin.
29. Walt Kowalczuk	Aug. 19, 1978	Left shoulder.
30. Ray Riley	Aug. 16, 1978	Left foot.
31. Dave Millard	Aug. 12, 1978	Left big toe.
32. Thomas Walsh	Sept. 30, 1978	Left wrist.
33. David Anderson	Sept. 28, 1978	Stomach muscles.
34. Robert Moore	Sept. 27, 1978	Right eye.
35. Frank Affronti	Oct. 6, 1978	Lower back strain.
36. Dave Millard	Sept. 8, 1978	Left shoulder.
37. Stanley Bershod	Oct. 17, 1978	Right shoulder.
38. Soloman Sherman	Sept. 6, 1978	Left thumb.
39. Edwin Heberle	Oct. 31, 1978	Strained left knee.
40. George Steinwachs	Nov. 15, 1978	Left thumb and wrist.
41. James Keenen	Nov. 8, 1978	Right ankle.
42. Kenzy Long	Nov. 22, 1978	Back, left side.
43. Larry Peacock	Nov. 14, 1978	Left hip and leg.
44. Everett Spinney	Aug. 25, 1978	Right elbow.
45. Craig Milne	Nov. 7, 1978	Muscle in left arm.
46. James DiCarlo	Dec. 28, 1978	Right foot.
47. Lee Christoff	July 18, 1978	Right shoulder.
48. John Davies	Dec. 21, 1978	Groin.
49. Mike Fiorica	Jan. 22, 1979	Lower back.
50. Joseph Sperenza	Jan. 26, 1979	Left knee and forehand.
51. Evan Leggett	Jan 29, 1979	Lower back.
52. Larry Peacock	Dec. 12, 1978	Right index finger.
53. Angel Morales	Dec. 11, 1978	Spasm right foot.
54. Anthony DeBellis	Feb. 7, 1979	Back.
55. Solomon Sherman	Feb. 9, 1979	Middle back.
56. Peter Lawrence	Jan. 3, 1979	Infection left finger.
57. Craig Milne	Jan. 29, 1979	Left wrist.
58. Robert Fantauzzo	Mar. 7, 1979	Back.
59. Terrance O'Donnell	do	Fractured left hand.
60. Robert Williamson	do	Swollen right hand.
61. Robert Williamson	Mar. 17, 1979	Lower back.
62. Gary Ippolito	Jan. 24, 1978	Right wrist.
63. Frank Buda	Apr. 14, 1979	Broken toe left foot.
64. Mike Colaneri	Dec. 15, 1978	Left foot.
65. Mike Colaneri	Apr. 10, 1979	Back
66. Ray White	Mar. 21, 1979	Right index finger.

Atlanta, Ga.—Bulk Mail Center.

In a 3-year period at the Atlanta Bulk Mail Center, 127 Mail Handlers reported injuries to management. The variety of injuries which these men and women received is especially gruesome, and includes fractures, back strains, sprains, cuts, hernias, eye injuries, insect bites, dislocations, rashes, and even electric shock.

U.S. POSTAL SERVICE,
BULK MAIL CENTER,
Atlanta, Ga., November 14, 1978.

Subject: Employee injury list.
Mr. W. A. CLARK,
Mailhandlers Local 310,
Atlanta, Ga.

Attached is a list of mailhandlers who have experienced an accident in the Atlanta BMC. The Federal Employees Compensation Act prohibits us from releasing copies of CA–1's to unauthorized personnel. If you need a CA–1 on a particular employee, we will make it available upon receipt of a statement from the employee authorizing release.

HENRY G. LESLIE,
Safety Specialist.

MAILHANDLERS WHO SUSTAINED LOST TIME INJURIES

Name	Date of injury	Nature of injury
1. Respresse, W. R.	Sept. 27, 1975	Lacerated chin.
2. Byron, D. E.	Oct. 17, 1975	Pain in abdomen.
3. Cunningham, L. C.	Oct. 23, 1975	Back strain.
4. Santovito, R. W.	do	Do.
5. Gresham, W.	Oct. 25, 1975	Shoulder strain.
6. Grant, U.	Nov. 6, 1975	Neck injury.
7. Atkinson, W. D.	Oct. 2, 1975	Back strain.
8. Clark, H. D.	Nov. 25, 1975	Do.
9. Howard, W. R.	Dec. 3, 1975	Do.
10. Davis, A. L.	Nov. 9, 1975	Strained wrist.
11. Wilcher, G. E.	Dec. 10, 1975	Strained shoulder.
12. Wilkins, M. E.	Jan. 20, 1976	Do.
13. Hayes, V. C.	Jan. 20, 1976	Back strain.
14. Harper, H.	Jan. 15, 1976	Contusion of finger.
15. Stephens, P. E.	Apr. 11, 1976	Sprained ankle.
16. Grant, U.	Apr. 22, 1976	Shoulder strain.
17. Mayo, J.	Mar. 25, 1976	Concussion.
18. Stephens, P. E.	May 25, 1976	Neck strain.
19. King, A. C.	June 6, 1976	Back strain.
20. Woods, R.	July 7, 1976	Contusion of back.
21. Modesto, P.	July 9, 1976	Abrasion of toes.
22. Dietrich, J. L.	do	Sprained ankle.
23. Rainey, V.	July 18, 1976	Groin strain.
24. Ware, E. E.	July 29, 1976	Fractured finger.
25. Griffin, J. L.	Sept. 10, 1976	Back strain.
26. Burnette, O.	Oct. 13, 1976	Sparined wrist.
27. Yawn, G. R.	Oct. 17, 1976	Cut scalp.
28. Modesto, P.	Oct. 28, 1976	Contusion on foot.
29. Crawford, J.	do	Sprained wrist.
30. Atkinson, W. D.	Oct. 29, 1976	Strained back.
31. Varner, R.	Oct. 30, 1976	Sprained finger.
32. Gushea, D.	Nov. 4, 1976	Cut on face.
33. Wright, W. S.	Dec. 1, 1976	Contused face.
34. Burnett, O.	do	Contused hand.
35. Modesto, P.	Dec. 5, 1976	Face injury.
36. Wright, W. S.	Dec. 4, 1976	Contusion of toes.
37. Gore, S.	Dec. 29, 1976	Contusion of leg.
38. Fambrough, F. A.	Dec. 30, 1976	Shoulder injury.
39. Atkinson, W. D.	Jan. 6, 1977	Back injury.
40. Minter, B.	Jan. 13, 1977	Hernia.
41. Austin, A. W.	Oct. 26, 1976	Back strain.
42. Austin, A. W.	Dec. 5, 1976	Contusion of foot.
43. Santovito, R. W.	Jan. 18, 1977	Eye injury.
44. Grantley, R. C.	Feb. 2, 1977	Chest strain.
45. Merritt, L.	Feb. 7, 1977	Back strain.
46. Bunch, J. D.	Feb. 24, 1977	Do.
47. Mann, R. A.	Feb. 19, 1977	Do.
48. Walthaw, L.	Feb. 25, 1977	Splinter in finger.
49. Mayo, J.	Mar 4, 1977	Insect bite
50. Stephens, P. E.	Mar. 13, 1977	Strained arm.
51. Ponder, W. H.	do	Thigh strain.
52. Watson, R.	Mar. 23, 1977	Cut hand.
53. Jackson, R. E.	Mar. 31, 1977	Contusion of toes.
54. Flowers, I. E.	Apr. 12, 1977	Shoulder strain.
55. West, R. L.	Apr. 22, 1977	Cut arm.

MAILHANDLERS WHO SUSTAINED LOST TIME INJURIES—Continued

Name	Date of injury	Nature of injury
56. Lovett, J. W	Apr. 28, 1977	Strained arm.
57. Fambrough, R. A	Apr. 30, 1977	Shoulder strain.
58. Flowers, I. E	June 23, 1977	Thigh strain.
59. Stephens, C. E	June 29, 1977	Cut face.
60. Adams, J. R	July 11, 1977	Contusion on scalp.
61. Flowers, I. E	July 13, 1977	Shoulder strain.
62. Hill, H. D	July 16, 1977	Sprained ankle.
63. Jackson, R. E	July 20, 1977	Back strain.
64. Tanner, B	July 26, 1977	Shoulder strain.
65. Gray, A	Aug. 3, 1977	Groin strain.
66. Dietrich, J. L	do	Dislocated shoulder.
67. Barnes, J	Aug. 6, 1977	Shoulder strain.
68. Mann, R. A	Aug. 11, 1977	Back strain.
69. Zanders, J. L	June 30, 1977	Bee sting on hand.
70. Mayo, J	Aug. 10, 1977	Ankle sprain.
71. Evans, P.A	Sept. 8, 1977	Sprained finger.
72. Wilcher, G. E	do	Back injury.
73. Ponder, W. H	Aug. 17, 1977	Sprained shoulder.
74. Snipes, H. L	Sept. 13, 1977	Abdomen strain.
75. Gore, S. T	Sept. 18, 1977	Ankle injury.
76. Snipes, H. L	Oct. 26, 1977	Foot injury.
77. Dietrich, J.L	Nov. 16, 1977	Ankle injury
78. Hammond, L	Nov. 22, 1977	Contused finger.
79. Burnett, O	Nov. 28, 1977	Wrist injury.
80. Dixon, G	Nov. 6, 1977	Arm injury.
81. Jackson, W. A	Dec. 1, 1977	Strain.
82. Shaw, J	Dec. 11, 1977	Back strain.
83. Mabre, H	Jan. 19, 1978	Strained abdomen.
84. Allen, E.W	Jan. 9, 1978	Shoulder strain.
85. Brantley, E	Dec. 6, 1977	Hip sprain.
86. Barnes, J	Jan. 7, 1978	Back strain
87. Santovito, R. W	Feb. 21, 1978	Cut foot.
88. Jordan, R. D	Jan. 5, 1978	Back strain.
89. Allen, E. W	Jan. 19, 1978	Shoulder strain.
90. Gray, A	Feb. 7, 1978	Debris in eye.
91. Woods, F. L	Feb. 15, 1978	Foot injury.
92. Harvey, J	Mar. 2, 1978	Leg injury.
93. Fambrough, R. A	Mar. 8, 1978	Groin strain.
94. Woods, F. L	Mar. 17, 1978	Do.
95. Rhodes, R	Mar. 23, 1978	Back strain.
96. Barnes, J	Mar. 28, 1978	Thigh strain.
97. Porter, L	Apr. 10, 1978	Abdomen strain.
98. Stoudermire, J	Apr. 13, 1978	Contused neck.
99. King, A. C	Apr. 24, 1978	Shoulder strain.
100. Jordan, Rita	Apr. 25, 1978	Leg injury.
101. West, R. L	May 5, 1978	Shoulder strain.
102. Ruth, J. E	May 10, 1978	Do.
103. Stoudermire, J. C	May 19, 1978	Strained arm.
104. Crawford, J	May 25, 1978	Thigh strain.
105. Ware, E. E	do	Back strain.
106. Walthaw, L	June 8, 1978	Chest strain.
107. Hill, H. D	June 19, 1978	Skin rash.
108. Smith, C. R	June 16, 1978	Contused back.
109. Triplett, D. N	July 8, 1978	Back strain.
110. West, Robert L	July 13, 1978	Neck injury.
111. Robinson, J. E	Aug. 6, 1978	Contused hand.
112. Woods, F. L	July 19, 1978	Contused foot.
113. Rhodes, R	Aug. 14, 1978	Contused leg
114 Eason, R. L	do	Back strain
115. Daniel, C	Aug. 22, 1978	Thigh strain.
116. Harvey, J	Aug. 25, 1978	Strained testicles.
117. Phillips, C	Aug. 22, 1978	Contused leg.
118. Little, H	Aug. 27, 1978	Back strain.
119. Adams, J. R	Sept. 11, 1978	Cut arm.
120. Eason, R. L	Sept. 15, 1978	Groin strain.
121. Stoudermire, J. C	do	Pain in groin.
122. Miles, D	Sept. 8, 1978	Electric shock on arm.
123. Harper, R	Sept. 21, 1978	Strained abdomen.
124. Whatley, R	Sept. 20, 1978	Hernia.
125. Stone, G. L	Sept. 24, 1978	Back strain.
126. Champion, R	Oct. 12, 1978	Shoulder strain.
127. Rushin, M	Oct. 15, 1978	Back strain.

We believe it important to point out that the injuries we've just related, which occurred at only two locations—Rochester and Atlanta—took place while postal workers were supposedly being protected by various Executive orders.

We believe these Executive orders have failed. And, not surprisingly, yet another Executive order on worker safety is pending in the Office of Management and Budget.

In the draft we've seen, there have been several distinct improvements over previous Presidential directives. Department of Labor representatives, for example, would be able to initiate inspections of unsafe or unhealthy conditions, and union participation in "walk arounds" would be authorized. We think the Department of Labor should be commended for these improvements.

But there is one element missing in this pending Executive order—and that element is the most important one of all—enforcement. Without strong enforcement procedures, there can be no effective safety rules.

Our union is awaiting the President's action with considerable anticipation and much apprehension. OMB is seeking the views of Federal agencies on the draft order. Many of them in the past have displayed no enthusiasm about intervention of the Department of Labor in their safety and health operations in the past.

We simply do not believe yet another Executive order is the answer. None of these orders have caused a complete Federal management commitment in the past.

We believe full coverage and protection under OSHA would have a great impact on worker safety in the Postal Service. But OSHA alone will not remove the dangers our members face. It would provide, if you will, only one of the three "E's" we believe are necessary to optimize worker safety. The "E" provided by OSHA would be enforcement.

The other two "E's" are engineering and education.

By engineering, we mean human engineering, the kind of engineering that makes it virtually impossible for a worker, even through carelessness, to be injured by equipment at the place of work. We mean safety devices on conveyors that make it impossible for these devices to snatch clothing or fingers. We mean absolute, fail-safe devices on motorized equipment to stop them dead in their tracks in a second. We mean procedures that would make it impossible for a mail handler to be carrying a sack weighing more than the legal 75 pounds.

By education, we mean mandatory, continuous programs on the job and on "company" time for workers and for management, all aimed at the goal of eliminating disabling injuries from the workplace. Many, many corporations in the private sector have extensive job safety programs totally supported by management and workers and the result of these has been the virtual elimination of work-related injuries.

And if the incentive of safer workplace and working environment isn't enough, there is another. It should cost the American taxpayer far less to make postal facilities safe to work in than it does to foot the bill for the thousands of injuries and man-hours lost each year because of unsafe conditions.

It can no longer be hazardous to your health to work at the Post Office.

STATEMENT OF JAMES J. LaPENTA, JR., DIRECTOR, FEDERAL-PUBLIC SERVICE DIVISION, LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL–CIO

Mr. LaPenta. Thank you very much, Mr. Chairman.

First of all, I would like to commend you for holding these hearings and hopefully we will get some of the changes that are needed.

I am James J. LaPenta, Jr. My statement today, which I ask be made part of the official record, is on behalf of the Mail Handlers' Division of Laborers' International Union of North America, AFL–CIO.

Our union has more than one-half of a million members, including nearly 100,000 who hold postal and other Federal civilian jobs.

Our Mail Handlers' Division is one of four unions holding exclusive bargaining rights for employees of the U.S. Postal Service. While it is not my intent here to minimize the hazardous conditions under which all postal employees work, I believe it fair to point out that the members of our bargaining unit, the mail handlers, perform some of the

most dangerous work at the U.S. Postal Service, work that leads to hundreds of serious injuries each year.

Mail handlers operate much of the heavy, mechanized equipment found these days at Postal Service facilities. They are the ones that work the tow motors, forklift trucks, unloaders, and heavy conveyors, and they do most of the "grunt" work.

Their hours and days are spent lifting heavy mail sacks in facilities that are noisy, dusty, and lacking in adequate ventilation.

It, therefore, should come as no surprise to you, Mr. Chairman, or to the members of this committee, that we endorse the concept of bringing the U.S. Postal Service work force in under all the provisions of the Occupational Safety and Health Act by statute.

The fact, plain and simple, is that this Nation's 600,000 postal workers are being denied the equal protection under the law provided millions of other Americans by OSHA. While the provisions of OSHA ostensibly are applied to the Postal Service, they are honored more in the breach than in the deed.

The present situation necessitates that it could be no other way. Section 19 of OSHA requires Federal agency heads to promulgate general safety and health policies, conform to OSHA standards and consult and even bargain with unions in formulating their policies.

The statute further authorizes an advisory committee to the Secretary of Labor consisting of Federal and postal management and labor representatives to review safety and health practices. Subsection (f) of section 19 requires Federal agencies to adhere to the same standards applied to private industry.

Mr. Chairman, the language is there to protect our members, but that is all that is there—language. While Federal agencies must observe legally the same standards used in the private sector, it is vitally important to point out that Federal workers do not enjoy rights equal to their counterparts in private firms:

The Department of Labor is not empowered to make unsolicited or unannounced inspections of workplaces, nor is it authorized to enforce safety and health standards on behalf of workers.

This serious shortcoming should not be a mystery to anyone. In 1971, Executive Order 11612 was issued to strengthen implementation of section 19. The obvious need for improvement in the Federal occupational safety and health program was acknowledged through the issuance of a more forceful Executive Order 11807, in 1974.

Executive Order 11807, promulgated by President Ford, reiterates the general requirements of the law, and specifies the responsibilities of agency heads, the Department of Labor and the advisory committees. The role of the Labor Department ostensibly was strengthened.

Executive Order 11807 specifies six duties of the Secretary of Labor. The Secretary is required to:

1. Develop guidelines to assist agencies to establish and operate effectively and health programs.

2. Prescribe illness and injury reporting and recordkeeping requirements for agencies.

3. Make available to all agencies consultation that will assure their standards are consistent with standards promulgated under the act.

4. Upon the request of Federal agencies, conduct inspections and evaluations of agency working conditions, identify unsafe or unhealth-

ful working conditions, provide assistance to correct such conditions and train appropriate agency health and safety personnel.

5. Evaluate, at least once a year, the occupational safety and health programs of agencies employing more than 1,000 persons and, as the Secretary deems appropriate, for all other agencies.

6. Submit a summary report, assessing the Federal agency occupational health and safety programs to the President which specifies the agency's problems in developing needed corrections and offering recommendations for improvement.

The Executive order requires each agency head, after consulting with employee representatives to establish and maintain a safety and health system fulfilling the requirements of section (19) of the act.

Further, the agency head shall, in order to insure their programs are in compliance with standards prescribed by section (6) of the act:

1. Designate an agency official with sufficient authority to represent effectively the interest and support of the agency head to administer its OSHA program.

2. Establish an occupational safety and health management information system consistent with the requirements of the order.

3. Establish procedures for the implementation of agency standards consistent with the standards promulgated under the act; assure prompt attention to reports by employees or others of unsafe or unhealthful working conditions; including those involving facilities or equipment furnished by another Government agency, informing the Secretary of the significant difficulties confronted in this matter.

4. Supply adequate safety and health training for officials at different management levels, which will include the transition of information on the operation of the agency OSHA program and the method and role each person can perform to help the program's operation.

5. Annually submit to the Secretary a report which will comply with the guidelines established by the Department.

6. Cooperate with and assist the Secretary of Labor in performing his duties prescribed under section (19) of the act and section (3) of the Executive order.

7. Observe the regulations published by the Secretary of Labor pursuant to section (3) of this order considering the mission, size, and organization of the agency.

In early October 1974, the Secretary of Labor issued regulations to implement Executive Order 11807 and section (19) of the act.

President Ford, in February 1975, further emphasized the intent of Executive Order 11807 in a memorandum to the heads of the Federal agencies:

> I have issued this Executive order to strengthen the occupational safety and health programs of all Federal agencies. It sets forth specific duties for the heads of Federal agencies to establish and maintain effective occupational safety and health programs. * * *.
>
> As the Nation s largest employer, the Federal Government must set an example in the maintenance of safe and healthful working conditions for its employees.

Despite the apparent intention of the President to create a strong safety and health program in the Federal Government, which would be exemplary for other employers, this has not become a reality.

The statutory and Executive order language which establishes a safety and health program in the Federal sector is nothing more than a paper tiger.

Elementary safeguards for employees are not present in the Federal sector as are required under section (5) of the act for private sector employees. Unannounced inspections by the Department of Labor, with sanctions to enforce compliance with OSHA standards, are not available in the Federal service.

The requirement specified in section (19) for the Secretary of Labor to submit to the President a summary or digest of the self-evaluation reports by Federal agency heads has not been met.

The act's language, however, in this matter is clear. Section (19) states:

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a) (5) of this section, together with his evaluations of any recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

Through December 1975, the Department of Labor had submitted only one published report to the President covering the first year of operations, ending December, 1971. During this time, formal reports on the Federal occupational safety and health programs were not presented to the Congress.

The inadequacies of the Federal program have been highlighted by the Comptroller General of the United States in three reports. In March 1973, report B–163375 recommended the Secretary of Labor direct OSHA to adopt a stronger leadership posture in four areas:

1. Prepare and issue regulations as guidelines to Federal agencies for their safety programs;

2. Develop and expand inspection programs to insure that agencies are providing adequate safety and health conditions of work for their employees;

3. Assist agencies in resolving difficulties with recordkeeping and recording systems; and

4. Help agencies develop qualified staff to inspect Federal work places to insure that the potentially hazardous conditions are identified and eliminated.

In 1974, a followup study involving reinspection of work sites in the Federal sector showed there had been no improvement in the Federal safety and health program's effectiveness.

A third report by the Comptroller General, issued in August 1976, reported the results of a safety and health inspection study of seven major Federal agencies employing 1.4 million civilian employees, or more than half of the total of 2.7 million civilian workers.

Approximately 1,400 violations of occupational safety and health standards at 30 randomly selected locations were noted by OSHA inspectors used by the Comptroller General in his study. In private industry, such violations would have resulted in penalties estimated at—and there is a correction here. My research people tell me that should be $90,000 instead of $40,000.

In addition, numerous mechanical, fire and electrical, housekeeping and toxic chemical hazards were uncovered in these seven agencies.

Even the recordkeeping system employed was generally too incomplete to be able to assess the cause of illness and accidents and, therefore, to work toward elimination of the hazards. This deficiency also exists in the private industry recordkeeping system.

Because of the Federal budgetary process, there is merit in examining the safety and health requirements of Federal agencies to ascertain needed funding to eliminate such hazards.

An effective mechanism to respond immediately to employee complaints of hazardous working conditions is a critical element in safety and health programs.

Although OSHA provides this, and Executive Order 11807 requires that the head of each Federal agency establish a procedure for prompt action on employee reports, serious deficiencies continue to exist. Six of the seven agencies surveyed by the Comptroller General had not established adequate policies and regulations to obtain and react quickly to employee complaints. In most cases, records of the complaints received and actions taken to correct the hazard were not maintained.

In January 1976, a House Government Operations subcommittee released a report on the OSHA system for Federal agencies, which criticized seven areas of activity. Included was need for improvement in issuing policy directives and consulting with employee representatives.

In pursuing the subcommittee report, the Public Employee Department of the AFL–CIO discovered that 28 percent of national Federal agencies had issued no general policy directive and 33 percent had failed to designate joint employee-management committees.

The record of Federal Government agencies' endeavors to establish viable occupational safety and health programs is poor. Weaknesses in section (19) of the statute have been demonstrated through the agencies' general disregard of the program specified in the law.

However, the deficiencies and omissions of coverage of Federal employees under OSHA have created the situation in which inattention to Federal safety and health programs is fostered.

In the U.S. Postal Service, the Postal Reorganization Act of 1970 described the rights of unions to continue their rights granted by an Executive order of President Kennedy to bargain safety and health issues.

Under our contract with the U.S. Postal Service, workers confronted with unsafe or unhealthful conditions have three legal methods of redress:

One. Complain to the immediate supervisor, who is required to investigate the accusation and take corrective action.

Two. File a grievance, if the condition is not corrected immediately, and

Three. Report the condition to the local Joint Labor-Management Safety Committee.

While it can be demonstrated that there are procedures to protect postal workers, our experience until very recently has been that postal management wasn't especially interested in protecting its workers.

In bargaining and in labor-management discussions with the three previous Postmasters General, the so-called radical postal reformers of the last decade, it was obvious that worker safety was not very high on their priority list.

We have seen a change in attitude with the appointment of the current Postmaster General. Worker safety is taken much more seriously in the Postal Service than at any time in the last 10 years, and we are beginning to see a decline in the number of injuries per hours worked.

The fact remains, however, that the Postal Service is still too hazardous to its workers' health: the Postal Service has by far the highest injury rate of any Federal agency, including the military.

The latest statistics we have are, unfortunately, out of date. We have searched in every conceivable place and in every possible agency for updated figures, but we have not been able to turn them up. Nevertheless, we believe a statistical table published in March 1973 in a "Report to the Committee on Labor and Public Welfare, United States Senate (B–163375)," presents a harrowing tale.

I have used that here as an attachment so it will be put into the record. If you will look at that for a second and go down the second column, which gives you the accident frequency rate, you will notice when you come to the Post Office, that figure is 14.1. Mr. Chairman, that means that during that period of time—and I can tell you in the decade prior to that that figure maintained pretty much that level—you are talking about 14 disabling injuries for every million manhours worked.

You look at other Federal agencies in that column. As I pointed out to you, no one comes close to the Postal Service.

When you look at the final column, disabling injuries, of the 36,000 reported of all Federal agencies, the entire universe of Federal agencies, the Postal Service had 17,000, almost one-half.

So you know I am not talking off the top of my head. I am not just engaging in rhetoric here when I describe what I described here this morning, particularly to what is happening in the Postal Service.

I must repeat in all fairness, current Postmaster General Bolger and his people have come out in a conciliatory fashion and have worked with us and are working with us to try to correct the situation.

Let me go back to my text, page 13. Our union's files contain thousands of examplefs of injuries received by members on the job. We don't want to take this committee's time by relating our long list of "horribles," but we think a few examples might be appropriate.

Rochester, N.Y.: Mail handlers face many hazards due to unsafe working conditions involved in the loading and unloading of trucks, lifting overweight mail sacks, operating equipment, and by just being near equipment that is unsafe.

From December 1977—these are much later figures than we were able to get from the Government—to March 1979, there were 66 injuries to a complement of 190 mail handlers.

My next several pages give you the names, the nature of the injuries and the date of the injuries to those 66 employees. You can see the type of injuries they are. I will get with it a little later—lower back, shoulder, hand, foot, hernia. You go down the list and you look at those back injuries.

Back to my text, page 14—of course there are 21 bulk mail centers in the postal system and Atlanta is not the worst. Most of the bulk mail centers have similar type conditions.

Atlanta, Ga.—Bulk Mail Center. In a 3-year period at the Atlanta Bulk Mail Center, 127 mail handlers reported injuries to management. The variety of injuries which these men and women received is especially gruesome, and includes fractures, back strains, sprains, cuts, hernias, eye injuries, insect bites, dislocations, rashes, and even electric shock.

Here again are the names of the injured, the date of the injury and the type of injury, which I want in the record.

Continuing with page 15, we believe it important to point out that the injuriies we have just related, which occurred at only two locations, Rochester and Atlanta, took place while postal workers were supposedly being protected by various Executive orders.

We believe these Executive orders have failed. And, not surprisingly, yet another Executive order on worker safety is pending in the Office of Management and Budget.

In the draft we have seen, there have been several distinct improvements over previous presidential directives.

Department of Labor representatives, for example, would be able to initiate inspections of unsafe or unhealthy conditions, and union participation in "walk arounds" would be authorized. We think the Departmentof Labor should be commended for these improvements.

But there is one element missing in this pending Executive order, and that element is the most important one of all—enforcement. Without strong enforcement procedures, there can be no effective safety rules.

Our union is awaiting the President's action with considerable anticipation and much apprehension. OMB is seeking the views of Federal agencies on the draft order. Many of them in the past have displayed no enthusiasm about intervention of the Department of Labor in their safety and health operations in the past.

We simply do not believe yet another Executive order is the answer. None of these orders has caused a complete Federal management commitment in the past.

We believe full coverage and protection under OSHA would have a great impact on worker safety in the Postal Service. But OSHA alone will not remove the dangers our members face. It would provide, if you will, only one of the three "E's" we believe are necessary to optimize worker safety. The "E" provided by OSHA would be enforcement.

The other two "E's" are engineering and education.

By engineering, we mean human engineering, the kind of engineering that makes it virtually impossible for a worker, even through carelessness, to be injured by equipment at the place of work. We mean safety devices on conveyors that make it impossible for these devices to snatch clothing or fingers. We mean absolute, fail-safe devices on motorized equipment to stop them dead in their tracks in a second.

We mean procedures that would make it impossible for a mail handler to be carrying a sack weighing more than the legal 75 pounds.

The fact of the matter, if you ever walked into a post office or bulk mail center, I guarantee you 8 out of 10 of those sacks weigh 100 pounds. That is the reason for those back and hernia injuries. Don't

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forget we have over 30,000 women working in the Postal Service, and they are required to lift these 75-pound sacks.

We are supposed to be the most modern industrialized country in the world. Not even the underdeveloped countries have these kinds of conditions.

By education, we mean mandatory, continuous programs on the job and on "company" time for workers and for management, all aimed at the goal of eliminating disabling injuries from the workplace. Many, many corporations in the private sector have extensive job safety programs totally supported by management and workers and the result of these has been the virtual elimination of work-related injuries.

And if the incentive of safer workplace and working environment isn't enough, there is another. It should cost the American taxpayer far less to make postal facilities safe to work in than it does to foot the bill for the thousands of injuries and man-hours lost each year because of unsafe conditions.

Last year it cost the Postal Service $152 million in workmen compensation claims. The Workmen's Compensation accrued liabilities close to $800 million.

That concludes my remarks, Mr. Chairman. I want to commend you for the fine work you and your committee have been doing.

Mr. GAYDOS. Thank you for probably one of the better statements presented before the committee.

You paint a rather gruesome picture. What do you think would be the most practical procedural change that would eliminate the overweight of those mail sacks which cause so many injuries to employees?

Mr. LAPENTA. I think in all due fairness to the Postal Service, they are heading in the right direction. Of course, they have to eliminate this whole labor intensive activity and they are trying to make the Postal Service more capital intensive and they have to mechanize more than they are doing, they have to use more sleds and more brick loading and the types of mechanical equipment that you use in the longshore industry and in other material-handling industries.

I think that there is a practical solution to the problem. You can make laws until you are blue in the face. You asked a very cogent question and I think the answer is more mechanization and get away from the manual labor.

Mr. GAYDOS. Do you have any problems with the mechanization as far as protecting future jobs?

Mr. LAPENTA. Oh, yes. Yes; we are having a tremendous problem with that. In the last 9 years the postal mail volume has gone from 85 billion to 97 billion pieces of mail, yet the work force has been reduced by 80,000.

So mechanization is having an impact and creating job loss in the Postal Service.

Mr. GAYDOS. I notice in your statement you give us a list of those casualties. No casualty should be excepted but, for instance, you have an insect bite, a lot of sprained wrists and little cuts. Are we talking about inconsequential casualties?

Mr. LAPENTA. I wanted to be fair. I could have gone through that list and purged some of that but I wanted to give you a complete

picture. I can't quarrel with what you are saying. Certainly there is a need to winnow those out. Of course, I think we have to keep working to do that kind of thing because that doesn't help anybody when you load up a record with a lot of things that aren't particularly serious.

I realize the human factor involved here. You know, you are not going to ever eliminate people who want to complain for the sake of complaining.

Mr. GAYDOS. Is there any procedure within the union to take a look at what is causing these injuries? For instance, if you have a rash of cut fingers on a conveyor belt, what do you do about it?

Mr. LAPENTA. In our recent negotiations, 1978, I served as the secretary for the coordinating committee of all of the postal unions, the Letter Carriers and the APW as well. We did change and we did try to beef up the safety and health provisions in our agreement and provide this time that the union or the employees can initiate a triggering of the safety committee's activities.

Prior to that time only management could and then the union representative got a walk around and the union representative would go to the management and the management would have a safety inspection.

Now under our new contract we can initiate that and when you get a rash of those things in a given place, we try to get on them as quickly as possible. There has been a decrease in the accident frequency rate. Trying to give the postal management a fair shake, they have improved.

Collaterally you have to be concerned about your accident severity rate when you get into mechanization. We have a lot of people in this labor intensive industry—we get a lot of trips and a lot of falls and lifting injuries, and in the latter carrier force you get a lot of things like dog bites—5,000 to 6,000 a year—again, slips and falls on ice and snow.

Then with the largest vehicle fleet in the world we have a problem with vehicle accident injuries.

Now with mechanization, I am concerned about, the severity rate may go up because you won't be getting trips and falls; you will be getting the kinds of injuries with machinery where you get fingers and arms cut.

Mr. GAYDOS. That 14.1 percentage rate is very high even if you compare it with the worst type of operation in the military. I know we have large numbers of people working in the Postal Service. I just hope it maintains itself. They are trying to chop it away. But the percentage is so high.

What has the union done? I want to get the other side of the picture. Have you made recommendations to correct that conveyor causing an inordinate number of cut fingers which could lead to a serious injury?

What happens to that recommendation? Is it enforced? Do they delay it?

Mr. LAPENTA. Our biggest problem with those types of corrective actions is the delays. Generally speaking, we have had cooperation from them in getting them processed like going to the head of the agency.

In this case at the local level it would be the postmaster who is empowered to expend money for certain capital improvements like health and safety.

Our biggest problem has been the delay.

Mr. GAYDOS. No money?

Mr. LAPENTA. Yes.

Mr. GAYDOS. Is there a standard of regulations which would be comparable to what we have in OSHA? Are these standards made available to them? Do the postal officials refer to those standards and say this conveyor should have the recognized minimum required guard in this particular area?

Mr. LAPENTA. Yes, they do that, they have standards, they have training manuals out.

Your problem is, one, the Postal Service is so big. Two, with the number of people that you have, again, you have really to do a much, much better job on what I call engineering the job safe.

You have done this in the private sector. You take companies in the private sector. I have in the past asked the Postal Service to let some of these private companies come in. Around 10 or 11 years ago, we got duPont company which probably has one of the best safety records in the country. They said what is abvious to you and to me: They engineer a job until it is almost 100 percent safe.

Mr. GAYDOS. They won't do that in the post office?

Mr. LAPENTA. The standards we now have do not require that you engineer a job 100 percent safe.

Mr. GAYDOS How about the OSHA standards?

Mr. LAPENTA. Thy don't require that either.

Mr. GAYDOS. What happens then? Is the private sector doing a more effective job?

Mr. LAPENTA. Some companies are. Some companies are not. When you look at the accident frequency rates, when you look at the automobile industry, the steel industry, the chemical industry, their accident rate is about 4 or 5 as against our 14.

Again, I want to be fair. The Postal Service with that large motor vehicle fleet, with over 100,000 vehicles, will have a lot of motor vehicle accidents, and then with the nature of the work, working out in snow and the ice, there are some hazards inside the plant they are not confronted with.

But, on the other hand, I have to say it shouldn't be 14, it shouldn't be three times that of the steel or the auto industry.

The only industry that apparently has a higher frequency rate than the Postal Service is the construction industry.

Mr. GAYDOS. I can't understand nor can I comprehend—you take that conveyor again which I am stuck on, it is comparable to private enterprise. We have OSHA regulations which are somewhat comparable, there is now a rededication on the part of the management to take a look at those OSHA standards and apply them to our operations in the Postal Service; all these things are in order, yet, what becomes disorderly or unrecognizable is that we have double and triple the accident rate.

What good would it do if the committee passed corrective legislation which said all OSHA standards will be applicable to the postal operation?

Is that going to help your situation? That is what I can't understand.

Mr. LaPenta. I understand where you are coming from and I know the quandary you are in in the question you are posing here. I do think the Postal Service—that is who I am speaking primarily for today, the postal workers—the Postal Service is a quasi-public corporation now. It is highly industrialized.

I see no reason why it should not come under the same types of provisions that apply to the private sector. It is the second largest work force in the United States. I think because of its size if it were governed by the private sector provisions where OSHA inspectors could make these inspections, I think the educational and enforcement end on the part of the Postal Service would increase.

The engineering I agree with you perhaps they might not be able to. Since they are following these standards that are in the private sector and since they are following the OSHA standards in that respect, they might not be able to do more in that area but we certainly will be able to do more in the education and enforcement area if you make them come under the provisions of the private sector.

Mr. Gaydos. Right now in the enforcement area, what do our collective bargaining agreements provide?

Mr. LaPenta. Again, if I might allude to what some companies in the private sector do, our standards don't provide for the shutting down of an unsafe job. You take a company like duPont—and I am not trying to build up DuPont; to the contrary—but the fact of the matter is their safety inspector is allowed to shut down the job.

Mr. Gaydos. We now have a court decision that says a person doesn't have to work in an unsafe working condition. Would you be in a position to advise your union members to refuse to work if they consider the particular situation or surrounding circumstances unsafe?

Is that contrary to your agreement? How would that work?

Mr. LaPenta. Let me respond to that in this fashion. For years in the case law history of collective bargaining—in fact, in the National Labor Relations Act, the Wagner Act and the Taft-Hartley amended act—you have had a provision that workers cannot be discharged for refusing to work in an unsafe working condition.

What happens is the union and that member is always placed in the position, by God, you better be damn sure that condition is unsafe or else they will fire you anyhow.

Mr. Gaydos. Do most of your collective bargaining agreements have that in?

Mr. LaPenta. It is in the National Labor Relations Act.

Mr. Gaydos. Maybe I have called the witnesses in the wrong rotation.

How do your grievance committees work? Could you give me a historical summation of what they do? Do they get paid? Do they serve for a long period of time? Do they get educational courses? Is it difficult to enforce those grievance proceedings in the committee system? Is it working? How does it work?

Mr. LaPenta. Again, in our system as in other grievance arbitration systems, like auto and the steel industries, over the years there

has been a tremendous backlog built up. We have something like 25,000 grievances in the pipeline in the Postal Service but, of course, you are talking about a workforce of 600,000.

To try to be short and not be too long winded about this, we have a grievance procedure which starts at the local level and goes to a second step——

Mr. GAYDOS. Does a person have a right to file a grievance automatically, immediately, and not take the other alternative?

Mr. LAPENTA. Yes.

After he files the grievance he goes to the supervisory level which is the second step, then the postmaster, then to the regional level and finally to the national level and then to arbitration. That is basically how it is.

We also have an expedited grievance procedure for discharge cases where we try to process these things much faster, but the fact of the matter is the time limits are very seldom kept.

To be fair, the grievance procedure has been improved and it has been working but we do have a problem with the volume, the number of grievances. But, yes, they can immediately file a grievance and they do.

Mr. GAYDOS. Do you receive many complaints from members of the union that the system doesn't work well? Do most grievances in the early procedure end up being terminated usually in an equitable manner?

Mr. LAPENTA. I am only going to speak for the mail handlers division now, not the letter carriers or the APWU. We have been getting resolutions and we have been getting cooperation insofar as our union is concerned, in the process. We have nowhere near the number that the letter carriers or the APWU have.

Mr. GAYDOS. Are there any problems with safety equipment, warning devices, safety clothes?

Mr. LAPENTA. We have problems in offices and when we find out about them again we try to get corrective action, what we call red tag. When a piece of equipment is not safe they red tag it. The problem is the red tag will sometimes stay on there for days.

Mr. GAYDOS. Who does the red tagging?

Mr. LAPENTA. Management; and they are supposed to follow up and get that thing corrected. What happens then, I have gone into post offices and find a guy on a tow motor or a forklift and there it has a red tag and he is driving it.

Mr. GAYDOS. He is driving it.

Let me ask you: What about a deleterious substance like dust and lack of ventilation?

Mr. LAPENTA. Yes. The capital improvement program in the Postal Service under the new Reorganization Act where they did spend a lot of capital funds has cleared up many workroom floors. Our big problem is in the noise area. In many of the places this decibel level is above 75 and 80, presenting a big problem to us. We are getting some of the problems we had with dust and dirt cleaned up because we are getting newer facilities.

Mr. GAYDOS. Are the unions consulted as to whether a certain type of safety equipment or clothing should be purchased?

Mr. LaPenta. It is generally after the fact but they do notify us. We feel we are not notified far enough in advance because some of our unions do have industrial engineers and we would like to put our two cents in.

Mr. Gaydos. But is there generally cooperation?

Mr. LaPenta. Generally. Sometimes they get a little pigheaded and stubborn about letting us know enough in advance but we cross swords on that a few times and we generally get it resolved.

Mr. Gaydos. What about your other E on education? What would you recommend specifically we do as far as education is concerned as it affects safety?

Mr. LaPenta. What I find, the Postal Service has a program, they jumped into that, that is the least expensive part of your safety programs. It is much less expensive than enforcement or engineering, and they jumped in that, but the problem is it becomes almost rote. They have the safety meetings and it is like reciting the catechism.

It just gets to be a pro forma thing. I am no expert on safety education. But I know there is a lot of improvement that could be done in that area. The experts could help us in that regard. But it needs some help.

Mr. Gaydos. We did have testimony before us involving the agencies and how they were treating safety officer positions whether full time or part time.

Mr. LaPenta. We have had that, too. We have a lot of quarrels about whether it should be a full-time job or not.

Mr. Gaydos. What do you think? Do you have any recommendations along those lines? Are people effective when they are doing two jobs, safety and their regular job?

Mr. LaPenta. No; he is not as effective as a person who is doing the job full time but, on the other hand, I must say the full-time guy, if you don't allow some enforcement or give him the right to, say, overrule the operational supervisor, you run into a problem. He becomes a tail wagging a dog and doesn't become very effective.

Mr. Gaydos. I want to be fair about my next question. We have had other unions testify before us and their percentage is a lot lower than yours. You have an inordinately and extraordinarily high percentage rate.

Is there some underlying reason why the postal employees of all agencies should be suffering from the highest number of injuries per 100 man-hours including the military?

Mr. LaPenta. I will give you the historic reason for that. It is a bit complicated but it would go something like this: First of all, the Postal Service has a huge work force. At one time its peak was 752,000. It is now down. That was in 1970 when it reached its peak.

You also have always had a lot of casual workers, what they call temporaries, with a time limited employment or indefinite temporaries, so the postal work force was constantly turning over. When you have a work force like that changing where people haven't had a chance to be trained and become familiar with the job, I think your accident rate goes up.

The other thing is a postal supervisor in many instances doesn't know his workers. Unlike the production process in the private sector

where you have a line and a worker is in place at a work station on a line and the material and the equipment comes down, in the Postal Service it is just the opposite. You have this wave of humanity following the mail as the mail comes in and goes out. So at one hour during the tour he has this supervisor, for the next few hours he has another supervisor. Many supervisors don't know their employees' names.

So those three conditions I have spoken to have historically been responsible for, I think, why this Postal Service injury rate is higher, as much as five times higher, but it still doesn't leave the postal management blameless in this situation. Other industries have casual work forces and yet don't have that kind of safety record.

So, again, it is the question here of statutory requirements which people know if they violate they are violating a law instead of some executive order and there is a commitment on the part of top management like you have in the companies in the private sector and in Federal agencies who do a decent job, that they have to make the place safe because they are the ones that spend the money.

They have to quit sticking their heads in the sand because if the Postal Service can cut down that $150 million that it cost them last year for workmen's compensation payments and their accrued or future liability of close to $800 million, look at the tremendous potential for savings.

Smart management would say, let's save some money here as well as let's make it a safe workplace for our employees. You have to spend money in order to save money and the Postal Service historically has had budget problems.

The Congress never gave them as much money as they needed so the Postal Service story is a complicated story. It is not a simple story. It is very complicated as to why they are where they are today. This is why they are having other problems, too.

Mr. GAYDOS. Your statistics include the entire Postal Service, not just the mail handlers?

Mr. LAPENTA. That is right.

Mr. GAYDOS. Even though admittedly the mail handlers probably have an occurrence of injuries substantially higher?

Mr. LAPENTA. And the carriers would probably be high.

Mr. GAYDOS. Do you have any comparisons between the Postal Service operation and the United Parcel Service operation?

Mr. LAPENTA. No; I haven't gotten any.

Mr. GAYDOS. That would be interesting, wouldn't it?

Mr. LAPENTA. Yes; I don't have those. I was trying to think back in my memory. I will search my files and if I do have anything I will send it up.

Mr. GAYDOS. We would like to see some comparisons.

Mr. LAPENTA. They have a large fleet, too, and their inside work is identical.

Mr. GAYDOS. This committee used to have justification over the Compensation Act. Since safety and health are inextricably connected with the compensation aspect, and because of internal organization we no longer have that jurisdiction.

However, we did have hearings last year involving that aspect of the problem. It is a big problem and you have alluded to it.

Is there any truth in the observation that a lot of postal employees are taking vacations because of the change in the law and some of their injuries are not authentic?

Mr. LaPenta. Yes.

Mr. Gaydos. I am not saying it is directly related to the problem but it would be interesting to get your observation on it because you are very close to the situation and may defend some of those accusations, possibly.

Mr. LaPenta. Our union assigned one man on a full-time basis for a period of, I guess, about a year to look at why our people weren't getting their payments, but more particularly when the new law came under attack, which has come under attack particularly by the Navy and by the Post Office, who seem to be dredging up these horror stories about all these malingering employees——

Mr. Gaydos. That is a better term.

Mr. LaPenta [continuing]. And our union became alarmed about that and went out to take a look at that, and I would be dishonest if I told you there are not any cases of malingering, of course, there are a few, but we found the situation to be nowhere near as bad as it was being described.

Now, we look at a number of situations and some of them that were called malingering were really not malingering.

Mr. Gaydos. I think you make a good point that a frontal assault upon occupational safety and health conditions is necessary if we are going to attack the collateral problem we are talking about, of the continuously increasing costs of workmen's compensation.

Mr. LaPenta. Yes, which is very expensive, of course.

Mr. Gaydos. And particularly the occupational disease aspect of it.

Mr. LaPenta. Yes.

Mr. Gaydos. What about national workmen's compensation legislation, what path should it take?

For instance, should occupational disease be distinguished from other types of injury?

Mr. LaPenta. I understand what you are saying.

Mr. Gaydos. We did that for many reasons in Pennsylvania. Later on, after we had everything worked out, I was in the legislature at the time, we combined the two into one act. Until that time there were two distinct acts that came into being at different times.

There has been some theory nationally that because of the magnitude of the problem that that would be a way to activate—first, set up some types of standards, minimum standards, take one portion of it and then any part you choose and pick up the remainder later as you have a set of procedures and experience ratings, et cetera.

I would like to have your opinion on it, if you are in a position to give one.

Mr. LaPenta. I am not really in a position to give it other than to say that I concede that in the future certainly these types of occupational disease are going to be on the increase, and whether or not you can address yourself to the problem of those by giving it separate attention, keeping it with the accident frequency and accident severity types of injuries, I really don't know.

My past years' experience before coming to Washington, when I was on the local level dealing with State workmens' compensation, I did

some work in Harrisburg and Dover, Del., and Annapolis, in that area I know that nonscheduled injuries, when you get into back injuries and those nonscheduled injuries, it's a particularly tough kind of thing to ascertain whether or not they were work related, and I know the difficulties that you face here.

I just at this particular point in time can't say whether that is beneficial. Something is going to have to be done. You may be on the right track.

Mr. GAYDOS. Jim, in a significant portion of your testimony you suggested that in the last 10 years the Postal Department is taking a much more active interest.

Mr. LAPENTA. The last couple of years.

Mr. GAYDOS. Could you give me specific examples? What did they do?

Mr. LAPENTA. I think they are spending more money on safety than they did in the past. The management is taking a much harder line as to enforcement. They have held special meetings around the country with top national personnel and local personnel about safety problems.

Again, like most managements that are smarter, using their heads a little bit, it's because these costs—I am not patting them on the back that much, I am just saying they are looking at the cost and costs have skyrocketed.

It's unfortunate they didn't look at people first and see the injuries and say we want to be a little more humane and do that since their costs—I repeat this figure for about the third time today—is $152 million last year and accrued liability of about $800 million.

You are talking about a lot of bucks; you are not talking about peanuts.

Mr. GAYDOS. In respect to the various injuries you referred to very hurriedly in Rochester, N.Y., and Atlanta, Ga., can you identify which of these injuries resulted—it's very important for the record—from a condition in the Postal Service that either, one, violated a standard or regulation of the Postal Service itself, or, two, violated a standard or regulation that——

Mr. LAPENTA. I will give you the most common violations. Why should the sack weigh more than 75 pounds? It's a common occurrence. A lot of sacks are 80, 90, 100 pounds.

Mr. GAYDOS. Don't the members load those sacks?

Mr. LAPENTA. Yes; they are loading them under the supervision of a supervisor and sometimes they don't always load them, sometimes they will come off the truck like that from a private contractor. So it's not the members' self-policing on the part of the members or the workers.

Mr. GAYDOS. Would that cover some of the back injuries, strains, and hernias, etc?

Mr. LAPENTA. Yes.

Mr. GAYDOS. How about some of these where we had cuts and accidents like that?

Mr. LAPENTA. Well, that I find to be as a result often with the new facilities. The Postal Service in 1970, when the act was passed, the Postal Reorganization Act, 70 percent of the mail was being processed, checked and processed, and delivered manually by a labor intensive work force.

Today that is just reversed. Only 30 percent of the mail is being done that way. Those types of injuries you are talking about are the new facilities as in the Rochester bulk mail center where you are getting those other types of injuries where the machinery, backing into machinery or the machinery does not have proper guards on it and you get those kinds of injuries that you described there.

But even in those places they are still doing a lot of heavy manual work, and you are still getting a lot of back injuries and hernias.

Mr. GAYDOS. If you come across some situation you might think would be responsive to that inquiry, make them available so that we may document them for future purposes and references.

Mr. LAPENTA. All right.

Mr. GAYDOS. When you talk about providing the most modern equipment which would be almost accident free or injury free, are you suggesting that there is a substantial amount of equipment in use that doesn't have the normal safety features, such as guards?

Mr. LAPENTA. Well, particularly in the bulk mail centers. Unfortuntaely the bulk mail centers of the U.S. Postal Service is a $1 billion capital expenditure. There was no feasibility study made. There was no putting one bulk mail center in place and using that as a pilot program. They got the system, it was just enforced by Postmaster General Blount.

He said we are going to have a bulk mail system, 21 bulk mail plants, and we got 21 bulk mail plants without any feasibility report and while the machinery was modern, the point I make, again, is that it wasn't engineered safe.

Mr. GAYDOS. The Japanese are supposed to be the most advanced engineers in the world. Most of that equipment is Japanese, isn't it?

Mr. LAPENTA. Yes; but it wasn't engineered for the purpose of safety, it was engineered for the purpose of operations, and the Postal Service has had to go back because of the increasing number of accidents and because they have the publicity, because of this high accident frequency rate that they have had historically, as well as a result of the bulk mail centers, they have had to go back.

In the middle seventies they hired a number of individual engineers, 100 or 200 industrial engineers, and they have gone back and they have reworked some of that.

Incidentally, some of that machinery just wasn't that good either, whether it was Japanese machinery or not. But the new Postmaster General—who both operationally and in this area—has made a number of changes which I think are beneficial, addressing themselves to the needs, and I have to give him credit for that.

Mr. GAYDOS. Jim, if you had one or two recommendations, what would they be? I know what one is and that is this committee legislate——

Mr. LAPENTA. Yes; I feel very strongly because of the situation as I have described it, that because of the enforcement requirement that I feel is needed here that the committee should legislate.

I know the committee is looking at this thing very, very carefully and I know the committee knows that legislation for the sake of legislation in this area, what good is it going to do if it doesn't get you better results and I don't think you have any guarantee that if you legislate you are going to make working conditions safer for Federal and

postal employees and I know the problem that you are going to have. How can one Federal agency enforce upon another Federal agency?

You have a whole host of things here. For example, with the Justice Department acting as the legal arm for Federal agencies, you get some contradictory situations here. You would have OSHA or the Labor Department, they would be representing both the Labor Department and Postal Department in a case where they were adversaries.

I realize some of the problems you have got and you can't go off halfcocked and legislate. I say again the Postal Service, because of the history which I related to you today, because of the nature of postal work, because of its accident frequency rate, because it's one of the largest industrial enterprises in America, the second largest work force in America, that I can see no other way, and it's no longer a Federal agency, it's an independent Federal establishment, it's a quasi-public corporation, that you ought to legislate and have it come under OSHA. I feel strongly about that.

Insofar as what they do, and I see that postal management is trying to do that, they have got a lot more to do insofar as safety education is concerned and engineering job safety, especially as that tons and tons of machinery, mechanized machinery, that they introduced in the 1970's, they have to go back and look at and make sure that machinery is engineered safe. They wanted to mechanize. Just think, they have mechanized the Postal Service in 9 short years. I don't know any other industry that has done that.

Seventy percent of all postal work was done manually in the seventies. Today those figures are reversed, only 30 percent. So they have just mechanized like the devil there and you can't tell me in that kind of posthaste mechanization that every piece of machinery there has been engineered safe.

That is what I am saying. They have got to do the job. The only way you are going to get them to do the job, I think, is enforcement.

Mr. GAYDOS. In your opinion, has your organization representing the workers done everything they could possibly do under existing limitation?

Mr. LAPENTA. I think they have.

Mr GAYDOS. In this area?

Mr LAPENTA. It's a personal opinion and it could probably be attacked. I think we have. I really do. In the 1971 negotiations, and I am the only postal union representative who has been in every one of the postal labor negotiations now because the other unions have all had turnovers, one twice, one once, so I am the only one that has been around since the postal negotiations started.

We introduced provisions in the 1971 agreement, in the 1973 agreement, in the 1975 agreement, the 1978 agreement, so I think our track record is pretty clear we have tried to do everything we can to make a safer place to work, and in 1971–73 that didn't happen; in 1973–75 that didn't happen; in 1977 up until, just say 2 years ago, only then did we begin to get a slight decline. That was because of the attitude of the new Postmaster General and his administration, which I talked about. So I think we have done everything we can.

Mr. GAYDOS. Even in any future bargaining negotiations you couldn't negotiate any more rights which would solve this problem because you have all the rights.

Mr. LaPenta. We have got all the rights that you can possibly get under collective bargaining here.

Mr. Gaydos. All right. It's interesting to note, because many people point their finger at collective bargaining representatives and say they are at fault. I wanted to get you on record as to what your opinion is on it. You strongly suggest that the answer here lies in enforcement, education and amendment of the act in this area?

Mr. LaPenta. Yes, sir.

Mr. Gaydos. To make OSHA pertinent to your employees?

Mr. LaPenta. To our agency, the U.S. Postal Service.

Mr. Gaydos. Mr. Murphy is here with us.

Mr. Murphy?

Mr. Murphy. Thank you, Mr. Chairman.

Mr. LaPenta, I am sorry I missed your initial testimony but I have gone through what was submitted to the committee.

I take it from your very strong emphasis that nothing short of our mandating OSHA for governmental agencies will do?

Mr. LaPenta. Particularly the Postal Service; yes.

Mr. Murphy. Do you think we could distinguish, a legitimate distinction, between the Postal Service and all the rest of the Department?

Mr. LaPenta. Yes

Mr. Murphy. You have given to us the best testimony I have heard in these hearings of the necessity. Most of the agencies have come in and told us and have proven to us that they have voluntarily implemented OSHA-type regulations in all departments, and they are self-policing their own.

You indicate that the new Postmaster General is making that effort.

Mr. LaPenta. Yes.

Mr. Murphy. Do you think they can succeed or that we should go it one step farther?

Mr. LaPenta. No; I think he is making the effort. I think he is going to have some improvement. In fact, he has some involvement, a very slight improvement in the decrease in injuries, but I don't think he will be able to make any measurable decrease unless we get the enforcement because the Postal Service is too big and one Postmaster General it's impossible for him to have the impact that is necessary in 31,000 facilities.

Mr. Murphy. What system is he using, if any, for the policing of this new wave of worker interest in OSHA? We have the penalty, we have citation hearings, is there anything like that setup in the postal system now?

Mr. LaPenta. No; other than what I described. I don't know if you were here. He has gone around and held a series of meetings around the country with management personnel.

Mr. Murphy. Indoctrination?

Mr. LaPenta. Yes

Mr. Murphy. Nothing in the way of citations or handing down——

Mr. LaPenta. No.

Mr. Murphy. Thank you very much.

Thank you, Mr. Chairman.

Ms. Baum. I want, on behalf of the minority, to thank you for your testimony. You had indicated earlier in our statement where you say

by statute we cover the Postal Service under OSHA, but you have mentioned certain companies that had voluntarily gone ahead and engineered out their problems, and even if we do this by statute, bring the Postal Service under OSHA, is it a mental attitude with the service, like it was a mental attitude with the companies?

I don't think it was the enforcement aspect that caused them to go ahead.

Mr. LaPenta. Let me tell you the difference between these companies, as large as they are, U.S. Steel or any of them, they still don't have the number of choices, they are not as big as the Postal Service, they don't have 31,000 facilities and a vehicle fleet of over 100,000. It was a mental attitude.

They really, in the past where top management wasn't really that committed to a good program which would save them money, most of these companies in the private sector, that is what they are committed to. They are looking at the bottom line that saves them money when they have a good safety program.

It's an administrative problem, as I just said to Congressman Murphy, it's an administrative problem, you cannot get an organization as large as the Postal Service, you cannot get an effective enforcement merely by the Postmaster General issuing some sort of edict or saying this is the way it's going to be.

That is why I am here today saying for the Postal Service in particular, you ought to start with them, they ought to come under the provisions of OSHA because these unannounced inspections and the fact that they would have to comply with the law, just as in the private sector, any other industrial enterprise which they are similar to, it would get those local management people on the ball, in my opinion.

Mr. Baum. Well, I sometimes have trouble finding that the private sector is complying even though they are covered by OSHA, simply because OSHA doesn't have the opportunity to inspect that often and they look at it——

Mr. LaPenta. There are a lot of things that can be done as far as OSHA is concerned. They ought to be a lot more selective about the kinds of inspections they go to and how they go and inspect. There could be some things done there.

Ms. Baum. Would you look at enforcement as a penalty aspect or something else?

Mr. LaPenta. No. I have never been one who has felt penalizing a management is the way to get something done, no. I don't look at it as a penalty at all. I look at it as what is necessary to help them in proper administration. The Postal Service organization, I am not an expert on reorganization; we tried reorganizing the Postal Service in 1970, and there are a lot of defects in that; it's still a pretty tough cookie to manage.

The Postal Service reminds me of a big bull elephant running through the brush, you don't want to take the elephant gun and kill him so you get a lot of bamboo poles and try to whack it in the legs and try to get it to go the right direction. The mail moves sometimes in spite of itself and that is why I feel they need this coverage to get moving.

Ms. Baum. Thank you.

Mr. GAYDOS. One final question:

It has been suggested that if we pass legislation when it comes to the penalties that you wouldn't have a contradictory situation that we enforce with a series of citations issued against, for instance, a director or his staff. There would be a series of citations.

If they wanted a hearing to it then OSHA, pertinent OSHA regulations, and if the particular director in his GS rating accumulated a substantial number of citations indicating that he wasn't very responsive to health and safety, that would have some impact as far as his advancement to the next step.

What do you think about substituting that type of activity in place of the penalty?

Mr. LAPENTA. I am not too keen about it but I think, in other words, I would say it's worth a try, building some kind of thinking in there where a promotion, what he has done in the various operations he supervised, what has been the safety record there, and that criteria ought to be there.

Mr. GAYDOS. Let's say he is a director of a minor department and he has had 18 citations. The possible consideration of a five State regional directorship has come up. They look at his record and say he is not——

Mr. LAPENTA. He is not qualified because of his safety record. I am willing to go along with whatever is recommended to try and get this situation corrected.

I don't have all the ideas about this; I don't have all the answers to this; I appreciate what you and your committee are doing, so anything we can do to help them improve this rather bad performance record, the highest in the Government, fine, let's do it.

If you come up with some answers on that, fine. If you feel legislation, we feel legislation; if you feel it's not, we are willing to go along with your committee to try and get whatever corrective action we think is going to be helpful in the situation.

Mr. GAYDOS. On behalf of the committee, Director LaPenta, I want to congratulate you again for a most enlightening statement and meaningful responses to our questions.

You have been very helpful and I am presuming should we have need of additional information you would supply it upon submission of written interrogatories?

Mr. LAPENTA. Yes, sir.

Mr. GAYDOS. Thank you very much for your answers.

The subcommittee will stand in recess until Monday, June 12, when these oversight hearings on occupational safety and health of the Federal employees will resume at 10 o'clock, at which time witnesses from the National Association of Letter Carriers will testify.

Until that time we stand in recess.

[Whereupon, at 11:20 a.m. the Subcommittee on Health and Safety recessed, to reconvene Tuesday, June 12, 1979, at 10 a.m.]

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

TUESDAY, JUNE 12, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2257, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Bailey, and Edwards.

Staff present: Paul F. Dwyer, counsel; Edith C. Baum, minority counsel for labor; Dorothy Strunk, minority legislative associate; and Rebecca Davis, research assistant.

Mr. GAYDOS. The Subcommittee on Health and Safety will be in order.

This morning we are continuing with our oversight hearings into the occupational safety and health of the Federal employee.

Appearing before the subcommittee this morning are representatives of the National Association of Letter Carriers, AFL–CIO.

At this time, I wish to welcome Mr. Vincent R. Sombrotto, president of the National Association of Letter Carriers, AFL–CIO; Mr. Tony R. Huerta, executive vice president; and Mr. George B. Gould, legislative assistant.

Welcome to the subcommittee, gentlemen.

You may proceed in the manner you feel best.

STATEMENTS OF VINCENT R. SOMBROTTO, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL–CIO, ACCOMPANIED BY TONY R. HUERTA, EXECUTIVE VICE PRESIDENT; AND GEORGE B. GOULD, LEGISLATIVE ASSISTANT

Mr. SOMBROTTO. Good morning.

Mr. Chairman and members of the committee, my name is Vincent R. Sombrotto, president of the National Association of Letter Carriers, AFL–CIO.

Appearing with me this morning is NALC's executive vice president, Tony R. Huerta, and my legislative assistant, George B. Gould.

The National Association of Letter Carriers, a labor organization consisting of more than 220,000 members, is the exclusive bargain-

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ing agent of city delivery letter carriers employed by the U.S. Postal Service. Consequently, we believe it is one of our essential functions to represent our members in all matters affecting their employment with the Potal Service.

Mr. Chairman, my remarks this morning will be brief and to the point.

We appear before you this morning to express our strong dissatisfaction with the present Federal safety and health program as it pertains to the U.S. Postal Service, and to express our strong support for any legislative initiatives which would bring the U.S. Postal Service under all the substantive provisions of the Occupational Safety and Health Act of 1970.

We are already on record in support of H.R. 826, which Representative Charles H. Wilson of California has introduced and which was referred to the Committee on Post Office and Civil Service.

Let me begin, Mr. Chairman, by stating the magnitude of the safety and health problems which postal employees confront. The U.S. Postal Service is the second largest employer in the United States with a total work force of almost 700,000, approximately 1 percent of the American work force, more than 575,000 of whom are bargaining-unit employees. Most of these 575,000 employees are blue collar workers.

They operate machinery; they lift heavy loads; they drive vehicles ranging from one-fourth-ton jeeps to giant tractor-trailers. For many of them, including letter carriers, their environment is one of noise and dust, of fork-lift trucks and hampers and loading ramps.

In fact, Mr. Chairman, these 575,000 bargaining-unit employees comprise, as a whole, the largest industrial work force not protected by the provisions of the statute which the Congress has deemed necessary to safeguard the general American work force, that is, the Occupational Safety and Health Act of 1970.

More significant than the mere size of the postal work force is the number of injuries suffered by postal employees.

According to figures compiled by the Department of Labor, postal employes suffered over 86,000 reported—I emphasize reported—injuries during compensation year 1978, almost 43 percent of the total number of injuries reported by all Federal workers.

To put this shockingly high injury statistic in another perspective, 86,000 injuries is one injury for approximately every six postal employees. This means that the Postal Service's injury frequency rates run between 12 and 14 million man-hours worked, while in similar industries, it averages between 3 and 4.

Of course, statistics only tell part of the story for they only speak of reported injuries.

How many letter carriers are affected by the poor lighting which seems to be endemic to postal facilities and yet may not result in the kind of direct injury which is reported to the Department of Labor?

How many postal employees are affected by poor ventilation which leads to long-run health problems which also do not show up in the statistical reports?

How many postal employees will, at some time in the future, be injured directly or indirectly by the almost barbaric conditions which

exist in the Morgan Station postal facility in New York City and which a subcommittee of the House Committee on Post Office and Civil Service had occasion to investigate personally?

The Postal Service may well respond to the figures I have presented and to the descriptions of the Morgan Station facility by declaring their awareness of the problem and their intention to take strong measures. Additional legislation is not needed because the present law is adequate, the Postal Service has already told another congressional body, as they did when they testified against the Postal Service OSHA Act of 1974 which brought the Service under section 19 of OSHA.

Mr. Chairman, nothing could be further from the truth. The truth is that the U.S. Postal Service has been and continues to be grossly negligent in providing a safe working environment for its employees.

The truth is that the U.S. Postal Service continues to oppose any and all efforts by the Congress, by the Occupational Safety and Health Administration, and by the postal unions to, in blunt terms, "clean up its act."

The Morgan Station facility is a classic example. There, the Postal Service first tried to minimize employee allegations of unsafe conditions and then refused to invite OSHA representatives to conduct an independent survey of conditions in this facility. Quoting from the committee report on the Morgan Station:

"This building represents a 19th century factory."

But Morgan Station is only one example of the Postal Service's neglect. The other examples are far less dramatic, but equally significant. The Postal Service has an inadequate number of safety officers, and these officers are often poorly trained. There are few doctors in the large facilities and not enough nurses throughout the Postal Service to provide adequate on-the-spot care.

Moreover, the Service acts as if OSHA is the enemy, rather than an agency which is committed to helping employers improve safety health performance. For example, there is no evidence that the Postal Service has ever independently called upon OSHA to review postal facilities and to offer suggestions as to how postal facilities can be made safer and healthier.

In fact, when the Postal Labor Negotiating Committee, the umbrella organization representing the NALC, the American Postal Workers Union and the Mailhandlers Division of the Laborers—proposed during the last round of negotiations a contractual provision which would allow OSHA representatives into postal facilities to referee disputes over whether the Service is meeting OSHA standards, the Postal Service opopsed this relatively mild proposal.

What is the answer to the Postal Service's disgraceful record? I submit to you that legislation bringing the Postal Service under all of the provisions of OSHA is the only solution. It is obvious that the Postal Service OSHA Act of 1974, which NALC was one of the first to support, has been inadequate.

Bringing the Postal Service under only section 19 of OSHA has not forced the Postal Service to establish a meaningful occupational safety and health program. Admittedly, section 19 requires the Postal

Service to meet the same safety and health standards as those applied to private industry.

Yet, there is no mechanism for enforcing this requirement because the Department of Labor does not have the authority to make unsolicited or unannounced inspections of postal facilities nor is the Department of Labor authorized to enforce its OSHA standards on behalf of postal workers.

Moreover, while under section 19, the Postal Service can, if it wishes, invite the Occupational Safety and Health Administration to inspect its facilities, as I indicated earlier, there is no evidence that the Postal Service has ever done this.

On the other hand, bringing the Postal Service under the full provisions of the act will enable OSHA to initiate inspections and compel corrective measures. OSHA must be given this authority for without it, there is no solution to the present problem.

Allow me to add a word about a draft Executive order which is presently under consideration and which some individuals may argue makes congressional action unnecessary.

First, the proposed Executive order provides OSHA with the right to inspect Federal facilities, but it does not give OSHA enforcement authority should its agents find unsafe and unhealthful conditions. More important is the fact that it is extremely dubious the proposed Executive order will reach the Postal Service.

Section 410(a) of the Postal Reorganization Act provides that only those laws enumerated in section 410(b) of the act apply to the Postal Service. In fact, it was the Postal Service's claim of immunity from both the Executive order as well as OSHA which led NALC to support the Postal Service OSHA Act of 1974.

Appearing before the Subcommittee on Postal Facilities, Mail and Labor Management in 1973, then NALC Executive Vice President Stan Lewis stated:

> The Postal Service has taken the position that they are not covered by either the Executive order or the OSHA Act itself so this is probably why they have paid so little attention to it. The truth of the matter is the Postal Service does not have a safety program of any substance.

This point obviously carried great weight with Congress when it enacted the Postal Service OSHA Act of 1974, and it is exactly this point which makes congressional action at this time absolutely necessary.

In conclusion, let me urge your subcommittee to go on record in support of legislation bringing the Postal Service under the full provisions of the Occupational Safety and Health Act of 1970. And also allow me to note that at a time when private business in being asked to conform with OSHA's standards it is essential that the U.S. Postal Service managers be required to meet the same standards.

For the U.S. Postal Service more closely resembles a company in the private sector than possibly any other Federal agency.

Despite this, top postal management has refused to implement a meaningful and viable safety program. And, in fact, they have arrogantly dismissed attempts by the Congress to encourage the establishment of a comprehensive safety and health program in the U.S. Postal Service.

Mr. Chairman, I wish to thank you for this opportunity to express to you and the other members of the committee the views of the National Association of Letter Carriers on this important issue.

Mr. GAYDOS. Thank you very much, Mr. Sombrotto.

Mr. Bailey?

Mr. BAILEY. No questions, Mr. Chairman.

Mr. GAYDOS. Mr. Sombrotto, I know prior to your present position of national president you held a responsible position in New York. We would appreciate it for the record if you would portray for the subcommittee the general situation with respect to conditions as they existed in New York and in the area where you had your responsibility at that time.

Mr. SOMBROTTO. Sure. I will say at the outset that the conditions that postal employees and letter carriers work under in the New York Post Office were an absolute disgrace.

In order to support that very strong statement, I will bring before this committee and submit to this committee many documents that I think will speak most eloquently as to that allegation.

This sheet of paper here indicates attempts by our own union during the past 2 years an itemized list of numerous violations of what would be minimal health and safety standards and our attempts to get these violations cleared up.

I think that the most devastating argument that could be made against postal management is their own admission in their own documents where they say they don't resolve the issues brought before them or resolve the complaints brought before them.

Incidentally, we had and continue to have so many violations that we have a form that we give to our shop stewards that they may fill out and tell us where there are violations of health and safety and we have monthly meetings, quarterly meetings, on these issues which we bring to management, these violations, and it is a continuing process, but a fruitless one because management does not comply, as I will get into when I read you some of these documents.

I will submit this if I may into the record for your attention and you may look them over.

For instance, here is one from a Canal Street Station in New York City where a letter carrier, not even a shop steward, brings to the attention of the union the unsafe conditions in terms of vehicles where the mirrors are not adequate, that you can't see out of them.

He goes on to describe how nobody cares what happens to the vehicles, how they are parked, that there is continuous bumping into one another, and that everybody just sloughs it off, and he concludes by saying if they keep this up these trucks won't even last 2 years, which is something management should be concerned about beyond just the question of health and safety because of injuries that will result from that kind of attitude. Their capital investment in vehicles is going to be wasted because of the kinds of things that will happen to the vehicles.

Here is one from Old Chelsea Station. It says:

Urgent: Second floor needs a new floor desperately. Employees already have been injured because of defaulted floors; needs immediate attention.

2. Swing room needs painting;

3. Lockers need cleaning and painting;

They just don't clean these things. Part of our ecology is just continued dust. They just let it stack up.

4. Windows are dirty;
5. Urinals and sinks need repairs in second floor bathroom;
6. New filters should be installed on drinking fountains;
7. Overall dusting of work cases.

This is from City Island "Broken toilets in ladies' and men's rooms."

Wakefield Station:

Haven't had a fire drill in past 10 years, approximately.
Side door of building is locked both ways; cannot leave premises in an emergency.

You know, we all just pray that we don't get fires in some of these stations because there is only one exit and if you happen to be caught on the other side of that exit you are in a world of trouble.

There is no first aid officer assigned to station.
Areas on floor not marked off for skids and tubs.

Here is another one from another station, Williamsbridge Station:

Dirty bags.
Rest rooms unsanitary;
The floors have not been swept in over a week. Very hard to keep uniform and dress clean;
No drinking water on the floor.

One of the guys writes his name, Leonard—I can't read the name—Mannissio: "The dust affects my breathing."

One of the things that is a result of all of the dust we work in is many employees contact respiratory diseases because of the quality of air that they are constantly breathing.

Here is another one from Riverdale:

The inner swinging doors of the dock are sticking (improperly hung) and make a dangerous situation when employees leave and enter station. Work order has been submitted and nothing has been done yet (by above date) to correct the situation.

Here is another one from the same place, Riverdale:

The ceiling of the loading bay is weakened from waterlogging and may one day soon fall down when the metal doorgate is lowered.

In other words, if it is weakened by the accumulation of water, and that has happened in the past.

Then just very routine things. They don't have stools; some are broken; there are no paper towels in the washrooms: "Whenever it rains the water drips down from the ceiling through the electrical fixtures. This is very hazardous."

Mr. GAYDOS. If you would yield to me at that point, are these cases that occurred in your jurisdiction when you were in New York?

Mr. SOMBROTTO. Some of them did. Let's see the dates on them; March 20, 1978; yes, I would have been there.

Mr. GAYDOS. How would you distinguish between good housekeeping problems and health and safety problems or is there a distinct factor?

Mr. SOMBROTTO. I just read you some. No, you can put them in different categories. One is, for instance, the work floor. We have many work floors, for instance, at Fort George Station where the floor

buckles and carriers constantly trip over it. They hurt themselves. That is traumatic if it happens in one instance where you have an accumulation of dirt and dust.

Some people might think it is humorous. We complain because of the Government Printing Office. They are transporting roaches and mice because there are a great many of them in that particular installation and vehicles leave from there and the mice and roaches get onto the vehicles and they get into other stations. They are transported in bags and so on and so forth.

Mr. GAYDOS. You mean they have more roaches there than they have here in Washington?

Mr. SOMBROTTO. I think so.

Mr. GAYDOS. Let me ask you something.

Would you give the committee specifics as to the number of employees who contacted respiratory illnesses of various types? Would you have any of the records pertaining thereto and, if you do, how many have contacted it and what has been the disposition?

Have workman's compensation claims been filed and, if so, what has happened to them?

Mr. SOMBROTTO. Sure. Maybe we have the statistics here.

Mr. GOULD. The latest we have is fiscal 1977. Out of total injuries of 90,358, injuries due to dust, gas, and chemicals were 26,875.

Mr. GAYDOS. Would you make that schedule available to us?

Mr. GOULD. Yes, sir.

Mr. SOMBROTTO. There can be two categories.

Mr. GAYDOS. On those cases there, how many have the postal authorities taken a position that they would contest, or did they contest, do you know?

Mr. SOMBROTTO. They contest every one because they don't do anything about it. If your ecology is filth, dirt, dust, vermin, lice, and it continues year after year after year, you have things where you report it. This is their agenda. This is their reporting of the minutes. This is their action report.

When you get things like bids for new lighting in Jerome Station, which affects the eyesight of people, unresolved—they say unresolved—and Bronx industrial engineer has submitted to district manager form 200X for sliding gate installation to replace swinging gate at vehicle entrance, which people get hurt with, unresolved, and we bring it back. We bring it back time and again. You get the same result, unresolved, unresolved, unresolved.

Here is a roof leaking for 2 years and all they do is say we are trying to try to repair it.

Mr. GAYDOS. Let me ask you again a simple question.

You tell me about the complaints you have here and actual cases. I want to ask you, one, what is the procedure under the collective bargaining agreement, if you have a procedure, and if the collective bargaining agreement does cover it? What is your procedure if the light is bad over a working spot or a working place?

Mr. SOMBROTTO. A letter carrier has a station. Let's talk about a station that has bad lighting. We report it as we do here, lighting is bad and carriers are having some difficulty in casing their mail. They get headaches, and so on.

Mr. GAYDOS. Do you get supervisors to report it?

Mr. SOMBROTTO. He is told about it. The immediate supervisor says I can't do anything about it. You really want to know what happens so let me tell you.

Mr. GAYDOS. I am asking.

Mr. SOMBROTTO. "I can't do anything. You have to go upstairs and see somebody."

We schedule a meeting. We tell them this is a major problem. We bring it to them. They say they will look into it. They are going to get a contractor to fix the lights.

We call them next week: "Well, we didn't get a bid yet." This is a week after. "Somebody is coming in," 3 weeks, 4 weeks, 1 month, 2 months. We keep harassing.

If this were the private sector we would stop working. We don't have that right to stop working. The contract for bids keeps us from doing it.

I must admit sometimes it happens anyway, irrespective of the contract, especially when there is no air-conditioning and the heat in the building is 100 degrees. Carriers just say, "I have had enough." When you have 400 carriers working in one installation they just give up, especially when it is on a continuing basis.

Then management rushes in and brings 40 fans or something and that is how they deal with the problem. But basically what can the union do? We just keep bringing it to their attention.

I brought Members of Congress to the postal installations. I have had TV, news cameras taking pictures of these things, and to no avail. We keep bringing it up. That is why we need an act. That is why we need somebody, an independent agency, that can come in there and straighten this thing out. I mean they are working under conditions that in the private sector would not be allowed.

Mr. GAYDOS. Let me ask you one question right there. Would you be able to give the committee general areas that are not air-conditioned and areas where air-conditioning is supplied by the Postal Service? You must have some work places that have air-conditioning, and some don't.

Mr. SOMBROTTO. The question is does it work. That is the question.

Mr. GAYDOS. You want us to legislate and that is what we may end up doing, but I have to have the facts.

Mr. SOMBROTTO. It doesn't make any difference if you have the best system in the world installed if it doesn't work, and that is what happens. You go through this and it will tell you that over and over those air-conditioners don't work. You know what kind of excuse you get? "We are waiting for a part from Taiwan," or maybe now it will be Red China we will get the parts from. That is what happens. They say they don't have the parts and, "We have to get it fixed," or, "We are leasing the building and our contract calls for the leasor to make these repairs and they are not making them," so we will take them to court.

In the meantime people go through the better part of a summer without air-conditioning. Then you come to the winter time where you don't have heat, where the heat breaks down, where the heating system breaks down. Here are recorded situations where we are continuously bringing this up.

I have known cases where everybody went home because the heat wasn't working in the dead of winter, just would not work. People don't want to do these things. They want to come to a place to work that has a good environment, where their health and safety will not be affected.

I tell you unless you pass legislation that will prohibit management from these excesses as they relate to health and safety they will continue to do just that. You asked about the collective bargaining agreement. There is nothing in that agreement that we can point to except the grievance arbitration procedures where that part will come from Red China 6 months after in the middle of winter and it is almost humorous.

One of the reports says that in the winter the overhead system blows cold air and in the summer it blows hot air. I guess we have to adjust ourselves to the equipment that they have in the post office.

Mr. GAYDOS. If you could, you would do a great service to the committee if you would please itemize these items we are talking about, make them available to us, and incorporate them into the record so the rest of the committee members will have an opportunity to review them and be cognizant of them.

Mr. SOMBROTTO. Surely.

One of the problems, as I tried to articulate in my testimony, is 43 percent of all of the injuries sustained by employees in the Federal sector are in the Postal Service, 43 percent.

Mr. GAYDOS. That is what I can't understand. We had hearings last year on workman's compensation when this committee had jurisdiction. We had a substantial number of hearings.

I could never understand why we had more injuries reported and more compensation payments in the Postal Service than anywhere else. I couldn't understand it.

Mr. SOMBROTTO. The nature of our work is dangerous, especially a letter carrier that delivers mail in all conditions, especially on the outside. It is compounded by the unsafe conditions that are in the inside and the vehicles that we drive around. I mean 43 percent I said are in the Federal sector, of which 66 percent or two-thirds of all injuries in the Postal Service are in the letter carrier craft.

There is a good reason for it. We are in vehicles, out in all elements of weather, slips, trips, based on conditions outside, but on the inside it is unconscionable that these things can't be corrected.

Management has a way of correcting it. They harass people. I have at least five cases documented before the Department of Labor where postal management is impeding or being an impediment to the orderly process of a legitimate claim of injury. That is a violation of the law.

I want to prosecute it. They have been getting away with it too long. They find it comfortable to harass people that get injured on the job. They think the easiest way to do it is to continually harass them, to try to catch them doing something wrong.

Obviously, if you have 86,000 injuries, you are going to have some fakers in there, but catch the fakers. Don't wash the baby out with the bath water. They use the buckshot approach. They have yet to prosecute one person and they have tried a number of cases before the district and Federal courts, that they found anybody guilty of violating the Compensation Act, but yet that is their method of doing things.

They use a police state mentality to try to overcome their obvious violations of the law. It is a dichotomy when those that are entrusted to uphold the law find it more comfortable to violate it.

Mr. GAYDOS. What about the problems of the Morgan Station Postal Service Center? Can you illustrate or list some of those problems?

Mr. SOMBROTTO. As you may or may not know, Morgan annex, as we refer to it back home, is an installation that burned down in the late sixties and management has tried to restore that property by furnishing it and almost all of the employees that will be working on that installation will be of other crafts to the exclusion of the letter carriers.

There might be 50 letter carriers working out of a possible 8,000 or 10,000. I don't know what the ultimate number will be; 7,000 is the projected number of people that are going to be working there.

But on the information I have from my colleague in New York, Moe Biller, and listening to some of the testimony of our sister union, APW, at some of the other hearings, there are all kinds of questions that have arisen, but I think it is more apropos for one of the congressional committees headed by Charles Wilson and Bill Clay, both of them had onsight observation of that facility and both came away with the attitude that one of them described it as a 19th century factory, and they saw all kinds of unsafe conditions there.

I think that would speak better to it than I can. There are obviously many violations. In point of fact, $70 million was spent to refurbish that or reconstruct that installation, and that was a cost overrun to start out with, and now they are stating another $30 million to correct all of the errors that were made.

But, you see, they weren't errors. Engineers and other people sat down and they said this is the way we will do it, with no thought about how it can affect the health and safety of employees to put people down in some kind of a pit in a bag handling or bad sorting situation where everybody says that is like going into a trap, you know, if anybody saw the "Deer Hunter," having people under water in a bamboo cage.

We have just transferred that to putting them down in the pit and put in the situation where if something happened they are just dead. This is the casual and capricious way that management enters into these situations.

It has to be stopped or the people are just going to rebel. They are going to scream, "We have had enough," and they are going to walk out and stop working. And that creates serious problems not only for the union and the workers but for everybody.

Isn't it better we deal with this in a more orderly way? They have given the Postal Service years to try to clean up their act. They won't do it. They are psychologically geared to do that. They have to be forced to do it.

That is the responsibility of Congress. We are pleading with you. That is why we are here today. We are pleading with you to try to find some way to remedy that situation.

It is unthinkable that we should have that many injuries, that people should be maimed for life, that people should be put out of a job and their families should be affected by unsafe working conditions.

I thought we got out of the sweat shops in 1900 in New York City. We just got the same plants. They are just old plants. I am not going

to criticize the Service because of the plants. I understand the problems they have buying property, the enormous cost factors.

We understand that. We only ask for minimal standards. We are not asking for onsite inspections on a daily basis. We ask them to clean up the dust. Here we say once a week. We didn't say every day. I mean clean it up.

The problem is they have to hire 20 or 30 people to do this type of work in an installation at a level 3, which is a low rate of pay, but that means they have to put more people on the payroll, a cost factor, money.

When it comes between the safety of employees and money, money is always going to win out in the Postal Service.

The Postmaster General wants to proudly announce that we now have a surplus of so many hundreds of millions. So what value? Is the candle worth the effort?

Mr. GAYDOS. You would think they would be reasonable insofar as an increase in safety and health claims. It is going to cost them more money in the long run.

Mr. SOMBROTTO. Absolutely.

Mr. GAYDOS. I can't understand their rationale.

Mr. Edwards?

Mr. EDWARDS. Thank you, Mr. Chairman.

I have just a couple of questions.

On page 3 you referred to a number of injuries during 1978. I think it was 86,000 injuries during that year.

I have a couple of questions about that:

I wonder if you could give me some idea of how that number would compare with the average number, let's say, from 1970 on, or can you furnish the committee with those statistics for the number of accidents in previous years?

Mr. GOULD. There has been a slight reduction in 1978, but before that the statistics were fairly consistent. They ran about the same percentage and about the same accident frequency per man-hour.

Mr. EDWARDS. And that was approximately the same thing, about 12 to 14 per million man-hours?

Mr. GOULD. It ran around 90,000 injuries and it ran around this accident rate per million man-hours.

Mr. EDWARDS. Is that, would you say, prior to 1974 also?

Mr. GOULD. Yes. It went back to 1971–72.

Mr. EDWARDS. I wonder if you could perhaps give us a little more information about the nature of the accidents, how serious they were, whether they were life threatening, whether they were major accidents, not to say that any are really minor, but in light of trying to anticipate how many of those, in fact, if you would comment on it, how many of those injuries would be prevented by adherence to OSHA standards as they are now.

For example, if somebody is outside and slips on the ice, which is an accident and it is reported, obviously having OSHA in place isn't going to do anything about that.

To what extent would OSHA in place prevent accidents?

Mr. SOMBROTTO. I thought I indicated that earlier when I said there were some accidents that are very difficult to prevent, especially those letter carriers. Because of the nature of their work they work out in the

wintertime working on icy pathways and so on. But how about the motor vehicles that don't really pass standards?

I read you something here earlier about one of the fellows down in the garage, about the mirrors on the vehicles. I was carrying mail as late as November of last year and I can attest to that on a personal basis. With the kinds of mirrors they have made it very difficult for you to look out the side and see the traffic and it is a dangerous situation.

You point that out to management, but you are dealing with a bureaucracy that resists any change and resists any comments made by the employees or the employees' representative, and when you tell them, it takes a long time before they recognize it themselves because they are trying to force square pegs into round holes all the time.

They are trying to get people to conform to a program. You know, somebody enunciates a policy up here and they have to do it no matter what. So you are asking about injuries.

One of the things is that they must adhere to good inspection of vehicles. They must repair vehicles that are unsafe. Windshield wipers that don't work; they say we can't fix it, but we have to drive the mail.

We have a machine shop. So we are forced to do that.

Mr. EDWARDS. Let me clarify my question because there is no question in my mind that a number of these injuries are serious and that they are injuries that can be perhaps prevented by adherence to better safety standards.

My only question is whether you can quantify that. What kind of percentage? If there were 86,000 injuries during that year, could 80,000 of them have been prevented by having OSHA in place? Could 5,000 have been prevented? We have two questions.

The first is the very high rate of accidents and the second is to what extent having OSHA in place would reduce that rate of accidents, and that is why I am just wondering if you could give me some better ideas.

Mr. SOMBROTTO. Are you asking me to conjecture and I will start out by saying this:

If we had 80,000 injuries in fiscal 1978, if we had OSHA we would have less than 86,000 injuries. We will start off from there.

Then the next question is how many less. I don't know. I can't say we would have prevented x amount because OSHA would have said this was an unsafe condition.

I do know this: That it would have been considerable because what you and I just going into an installation will recognize as a safety factor or something that can contribute to accidents would clear up rather quickly if management didn't resist. For instance, swinging doors that could go both ways, that somebody walks into and gets an injury.

If you fix that, if that is corrected, and we have cases in here, documents, that they don't fix, that is something that if you had OSHA in place they would say, fix it, and if they come back next week and it is not fixed and they would say now we are going to fine you $500 bucks or something, then they would fix it.

Somebody is going to have to pay the fiddler along the way, on their records. That is the term.

Mr. GAYDOS. Would you yield to me there?

Mr. EDWARDS. Sure.

Mr. GAYDOS. I said that money is going to be a deterrent.

Mr. SOMBROTTO. Sure.

Mr. GAYDOS. How do you reconcile that with the fact that on workman's compensation cases you have increased $117 million since we changed the act and that hasn't been a deterrent? What makes you think that the difference between those additional costs which are involved in compensation claims which have escalated, and I am not giving you the reasons why, but we are talking about a money figure, that hasn't phased them will make a difference?

What about a little fine like $50 or $100? Who is going to pay the fine? Why do you say now if we came in with OSHA that fine is going to make them fix that door?

I have serious question whether it will, and you tell me why, if you can, if you think it will.

Mr. SOMBROTTO. OK. If you followed that to a logical conclusion, then I believe it will because I understand the mentality of the people working in the Postal Service, having worked there 32 years myself and dealt with postal officials all those years, and it is a different type of mentality but let me just stop a minute and then follow your premise to a logical conclusion.

If I am to believe that there is no deterrent, then what should we do? If money isn't going to stop them should we put them in jail or should we close down the installation?

There has to be something that makes them conform. I mean are they above the law? If a body comes in that has the responsibility to correct these things and can't correct them, then by your own premise what you are saying is that the Postal Service will put themselves above the law and does put themselves above the law.

Mr. GAYDOS. I am not saying that. I am just asking you a question to try to help the committee.

Here are some of the suggestions that have been made to the committee by other witnesses.

I don't want to trick you into a position; I am just trying to get some information as I thought you might have a suggestion that might be effective. I am your friend, whether you accept it or not.

Mr. SOMBROTTO. I understand.

Mr. GAYDOS. They say that what we should do is, for example, if that door isn't fixed, make a citation available against that immediate supervisor so that his record is contaminated.

Mr. SOMBROTTO. That is what I say. I was going to the second part, about the mentality, and I said earlier it is going to be on his record. It is going to be on his record. It is going to be on their record. I made that very clear and emphasized their record. That is one of the things that the Postal Service deals with.

Mr. GAYDOS. There is another little aspect. They don't care now about their record. Somewhere along the line a workman's compensation case and accident case is on somebody's record, whether it is on his personnel record or not, but it is on somebody's record. Somebody has to assume that responsibility and that doesn't seem to be a deterrent.

The complexity of the problem seems to manifest itself so clearly time and time again in different areas.

Mr. SOMBROTTO. Except then it cries for more regulations, some way to reach them. But I think that I understand it, as I said, having spent the major part of my adult life in the Postal Service, and I talked about the Postal Service mentality, talking in terms of management.

We all have our own mentality. It finds its way in our own particular areas of work. In the Postal Service when it gets up to the high levels you ask why aren't the compensation claims a deterrent, or why don't they enter into a program for health and safety?

Very simple; they have the solution. They have the police state solution. There are a lot of injuries but the injuries aren't because it is our fault. It is because somebody else is reporting injuries that aren't injuries, doctoring, a lot of fakers, so let's stop them now.

The manager is down here and, as I tried to indicate, starts to harass and harangue people because they get injured. First, you get injured and you can't work and then you have to put up with somebody who is going to harass, and how can we get you back to duty and fill out forms, and so on and so forth.

That is their way of trying to correct the situation. They have people that are hurt on the job. Admittedly, they know that area. They say you know something, this guy got hurt. Our doctors know, and he does.

How are we going to get that guy back to work? If he can be out for 3 months he is going to stay out for 6. He is going to fake it. They come up with a job description and come up with limited duty. They put him on at 2 o'clock in the morning and drive him 47 miles from where he lives because they know a guy isn't going to be able to hack that kind of situation. They think by being abusive to him they will get him back. People can't stand that kind of harassment. They go back to work and injure themselves worse.

The whole situation gets exacerbated instead of being corrected. That is the mentality you have. I am only looking at it from the standpoint that there has to be almost a geometric progression into this thing as to what level are we going to go before we get them into the main stream of what are decent practices at the work place, what are established decent work standards for employees at the work place.

Maybe we started off by looking at the record and looking at the compensation. That is not enough. I agree with you. I can see that. Then we maybe start to implement fines. Maybe that is not enough. Maybe someday somebody will say shut down this plant and maybe that is not enough.

I don't know the answer. But I do know that we have to do something to correct it. Whether it works or not I think it is worth the effort.

Mr. EDWARDS. I agree with you and I think something has to be done about it, and let me just wrap up with two quick questions:

Actually one of them you don't need to respond to other than to tell me that you can perhaps make something available to us. If this committee were to take some legislation to the floor to try to extend OSHA coverage in this area and gets into a debate on the floor, we have to be able to substantiate our position, and so I would hope that your union

can provide us with whatever breakdowns you do have, statistical analyses of the accidents over these years, the nature of the accident, so we can be talking about trying to implement something that would in effect make a difference.

Then let me just ask you if you want to comment further on this. I know you made some point here, but the problem you were just wrestling with, we also do, but we have a different problem. You can sit there and say, and I agree with you, well, we can try fines. We can try putting it on the record. We can try whatever. But of course we don't have that luxury.

What we have to do is come up with specific legislation that does one or another. A problem that we have had is trying to determine what sort of teeth you can put into something like this that will work. If you say you are going to fine the Post Office, well, who cares?

The bureaucrat that you are complaining about doesn't care. It is not coming out of his pocket. It is coming out of the taxpayers' pockets. That is not a deterrent.

If it is on his record I don't know whether it is a deterrent or not, but I would hope, if your union has not done this, that you would provide us with some pretty specific suggestions of what deterrents you think would work.

You go into private business and you fine the guy. It works. It is coming out of his pocket. But fining an agency obviously doesn't work, so if you have other suggestions we would like to hear them. I would.

Mr. SOMBROTTO. I have some problems with that question of fining them and it not working. I understand what you are saying, but again I wonder then should we not have tried President Nixon for something because the taxpayers paid for that, and I get confused.

Mr. EDWARDS. That is not the same. We are talking about a deterrent effect.

Mr. SOMBROTTO. I hope it deters all future Presidents from the same kind of activity.

Mr. EDWARDS. I agree with you on that. I can think of some other Presidents I would like to deter.

Let's suggest that you have done something wrong. And to stop you from doing it I am going to levy a fine against the guy next to you. Now, what effect is that going to have?

Mr. SOMBROTTO. I will say this: Obviously OSHA has had some impact on the private sector because they are screaming that they don't want it anymore. It says that they are restrictive. You always get into that argument, bookkeeper's bottom line as opposed to the employee's health and safety, and the employers always come down on the side of the bottom line and the employees are always on the side of what happens to them at the work place.

But in this situation, and it is understandable, if they have to pay out of their profits, it is going to affect them. I could understand your trepidation about putting the same kind of what we call teeth in the law because, as you said, it doesn't come out of their pockets. Except that in many ways that is the mentality of the Postal Service.

The Postmaster General doesn't have a good, clean record. His record is tainted. It is soiled because of this. Then he has to try to straighten up his record.

Are all bureaucrats in the Postal Service like Caesar's wife, beyond reproach? Can't we get to them? Can't we make them react?

There are ways; I am sure there are ways. Everybody likes to have a good record. That is one of the things that finds its way through the Postal Service. Every supervisor, every postal employee, every letter carrier, likes to go out with a clean record. He doesn't like those things that say he broke the rules, broke the rules there, and the chances for advancement through the system hopefully are predicated and based in great part on the man's record or a woman's record and their activities, and if they have a bad record, that might tend to become a block or impediment to them getting advancement.

That is one of the things. It is kind of the hidden factors that work for you in this area. And you are absolutely correct and I know you as a friend, but I am so intense in this thing because it has frustrated me through the years.

I have actually had to tell people to stop work, "Don't work, that's it, we are not going to work under these conditions."

You are breaking the law. Who wants to break the law? We have had cases where the gas that emanates from these things started and they just tell you keep working, keep trucking.

You are in the Postal Service and you have to tell people to stop. Nobody wants to do that. You want to deal with an employer that has some regard for the safety of his employees, and so we have nothing at this point.

When I give you this set of documents and you look at it, you say it is unreasonable to believe, and it follows one case after another, tracked down from one meeting to another, unresolved, unresolved, unresolved, and they are simple things to do.

It is not as if you are asking them to turn the world over. Just straighten out a floor which people are tripping on, clean up the aisles in which a person walks. I am not talking about the housekeeping. Don't have pieces of equipment that create slips and falls that result in injuries to employees. Don't have them in there. Create a system. But they say, yes, we know it is unsafe, but we move the mail faster that way.

I am sure we can find better ways of moving the mail because we all want to be expeditious in the handling of mail. Certainly the employees do, absolutely want to have the best postal service in the world. Letter carriers are out there every day and when somebody gets a letter 2 days later they pick on us. They don't blame the Postmaster General. They blame the letter carrier.

Mr. GAYDOS. How about letter carriers?

Mr. SOMBROTTO. I am going to defend the Postal Service. I think if you get a letter 7 days later and maybe the type of mail you receive, you are glad you got it 7 days later, but that is another matter. I would say, and I say this sincerely and honestly——

Mr. GAYDOS. May I interrupt you? Before you all decided you wanted to be a quasi-corporation and all that stuff the Postal Service was really a top notch, first class outfit, in my estimation.

Mr. SOMBROTTO. It still is.

Mr. GAYDOS. Business people have been finding nothing but fault. I am just stating what I see outside. I am not agreeing with them. But to me it has lost an awful lot of prestige.

Let me ask you a question. In the postal system, as I understand it, with the quasi-corporate structure that we have, a postal employee already working at the time we passed the act is grandfathered in, his civil service increments and his advancements, right?

Mr. SOMBROTTO. Yes, sir.

Mr. GAYDOS. He has all the old rights such as Compensation Act coverage and retirement. What about a new person coming in?

Mr. SOMBROTTO. They all have the same rights.

Mr. GAYDOS. Do they go on civil service? Is that applied to the new person?

Mr. SOMBROTTO. Yes.

Mr. GOULD. If I may, Mr. Chairman, under the present law they are tied into the retirement system and medical system under civil service, but they are collective bargaining when it comes to wages and——

Mr. SOMBROTTO. Terms and conditions of employment.

Mr. GOULD. Yes.

Mr. GAYDOS. What about advancement?

Mr. GOULD. Advancements are determined by the contract for those under labor-management relations. For those that are not, supervisors have an agreement with the Postal Service. Above supervisors it is exactly like a private company. The employees are hired at the discretion of management and are fired at the discretion of management.

Mr. SOMBROTTO. In terms of promotion the union doesn't have any weight per se in terms of making that determination. The employer still makes that determination. I mean the only difference in terms of where we have gone to where we have been, old Post Office Department as opposed to the U.S. Postal Service, is that in collective bargaining and——

Mr. GAYDOS. I was more interested in the automatic increments of advancement.

Mr. SOMBROTTO. That is based on contractual agreement.

Mr. GOULD. But not for management supervisors. The supervisors under the law have the right to consult with management on their pay raises. Top management is determined by the Postmaster General and the Board of Governors.

Mr. GAYDOS. There are no stockholders in this corporation?

Mr. GOULD. No, sir. Congress has nothing to do with it, nor the people.

Mr. GAYDOS. They don't come to us for raises anymore?

Mr. GOULD. No, sir.

Mr. GAYDOS. Postal increases do that?

Mr. GOULD. No.

Mr. SOMBROTTO. We are all supposed to be stockholders. Every citizen should be a stockholder in the Postal Service.

Mr. GAYDOS. The thing that bothers me, if I may state it for the record, is I don't know whether OSHA would be the solution. If we had OSHA legislation pertaining to the problem we are talking about, I don't know whether that is a solution.

I don't know whether or not your solution may lie in going to possibly the Government Operations Committee. They may be able to help in giving you a right to strike.

When you analyze the whole OSHA picture; we have 1,500 inspectors, over 15 million union work places, about 60 million em-

ployees and you are talking about another 700,000 more. I don't know whether we may be giving you a false hope. You might be worse off with OSHA. That is what bothers me.

Mr. SOMBROTTO. Let me give you some relevant situations.

Very recently we were at loggerheads with the Postal Service with the OWCP, that is the Office of Workmans Compensation, as it applied under FECA, and we have had many complaints about various offices, of what the Postal Service does.

Just recently one of the senior officials from the Labor Department went down to Jacksonville to the particular OWCP office based on the number of complaints which we had made that we said were violations of law, and they were practices that were dubious at best.

Just that one visit there from somebody from Washington looking over the situation resulted in many of these things being corrected, and at least at the outset immediate changes from the practice that they had been engaged in. They are going to a number of locations to inspect onsite with the ability to change things.

The Postal Service has an internal situation where they correct themselves. We are allowing them to make the decisions on who gets penalized and who doesn't. They are not going to make those decisions. When somebody from the outside, an OSHA inspector, would come into the Postal Service they get results. When the Labor Department comes around and flashes a badge that is not a Postal Service badge they get results.

I just see it as something that can happen.

Mr. BAILEY. Let me ask you just a couple of questions.

Thank you, Mr. Chairman.

In the statistics that you are going to give us, No. 1, are automobile accidents or vehicle accidents separated from the other injuries?

Mr. GOULD. Yes, sir.

Mr. BAILEY. No. 2, are the vehicle accidents broken down or do you have any statistics at all that reflect whether or not what portions or percentage of them are attributable to human errors as opposed to mechanical?

Do you have any way of ascertaining that?

Mr. GOULD. These statistics don't but we can find out.

Mr. BAILEY. That might be a very good point. If that is possible, do you have statistics that would give us that kind of information?

No. 2, do your statistics reflect at all certain areas? You mentioned a couple of them, particular work statistics here that were especially bad for you. Do your statistics reflect the accident rates, similar accident rates, for example, by comparing them at different facilities?

Mr. GOULD. They are only broken down to districts.

Mr. BAILEY. Only broken down in the district. There is no way at all we can sit down and really look at things in terms of who is doing what or what particular areas?

Mr. GOULD. We do have some statistics concerning certain specific facilities that have been investigated. They might give you an idea, and they do talk about OSHA standards and costs. We can submit that for the record.

Mr. BAILEY. One last question:

You have experience with the so-called safety program of the Postal Service. Have they made efforts to come in at all and set up a safety program with you? Do they meet with your safety committee people on a regular basis?

Mr. SOMBROTTO. Yes, sure. Nothing comes out of it though. That is the problem.

Mr. BAILEY. We have sadly come to realize that. The safety program they come up with, have you people ever compared it with OSHA standards across the board? Are they the same? Do they conform? We know they don't do what they say.

We have had a lot of testimony on that. Have you ever evaluated the program for what it is supposed to do?

Mr. SOMBROTTO. No; as I said, whatever they have is minimal. What they do is say you put a poster up that says don't lift heavy packages, bend your knees, or something. As somebody said, the guy reading it walks into the wall and gets an injury because he was reading the poster or trips over the floor because it was slippery.

No, they don't; they give what they call safety talks once in a while, but it is by the online supervisor.

Mr. BAILEY. You don't know what their internal structure is, how they are set up, if they have safety officers, what the internal structure in the Post Office management picture is that has to do with safety?

Mr. GOULD. Their guide books supposedly utilize OSHA standards and guidelines for setting up a safety program.

Mr. BAILEY. But you don't know how they are structured.

Mr. GOULD. Yes; we do.

Mr. GAYDOS. I hate to interrupt the questions and responses but we want to make that vote.

If you would be so kind to supply the committee with any detailed information we asked for or what you think would be necessary for the record we would appreciate it.

I do assure you that the questions that we will propound to the administration will be far-reaching and complete, given sufficient time factors.

With your permission and again with deep appreciation for your attendance, the subcommittee will stand in recess until Monday, June 18, 1979, at which time the subcommittee will resume oversight hearings on the Federal Mine Safety and Health Act. Witnesses representing the National Limestone Institute will appear before the subcommittee.

The next subcommittee hearing on the occupational safety and health of the Federal employee will be on Wednesday, July 11, 1979, at 10 a.m., at which time representatives of the General Services Administration will appear before the subcommittee.

Thank you very much.

Mr. SOMBROTTO. Thank you.

Mr. GAYDOS. I want to thank you for your understanding our having to leave for the vote.

The subcommittee will stand in recess until the date stated.

[Whereupon, at 11:15 a.m. the subcommittee recessed.]

[Material submitted for inclusion in the record follows:]

Tony R. Huerta
Executive Vice President
Francis J. Conners
Vice President
Gustave J. Johnson
Secretary-Treasurer
Ronald L. Hughes
Asst. Secretary-Treasurer
Joseph H. Johnson, Jr.
[illegible]
William M. Dunn, Jr.
Director, Life Insurance



National Association OF LETTER CARRIERS
Vincent R. Sombrotto
President

Robert J. Buntz
Director, Health Insurance
Anthony B. Morell
Asst. Director, Health Insurance
Mark Roth
Director of Retired Members
BOARD OF TRUSTEES
Halline Overby
George Davis, Jr.
James G. Souza, Jr.

LOUIS P. DISILVESTRO
NATIONAL BUSINESS AGENT
330 SOUTH WELLS STREET ROOM 1320
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 922-0771

April 12, 1979

Mr. Tony R. Huerta
Executive Vice President, NALC
100 Indiana Avenue, N. W.
Washington, D. C. 20001

Dear Tony:

Pursuant to your memorandum of March 30, 1979, requesting specific information as it pertains to the occupational health and safety of our members, you are informed as follows:

Some of the alleged safety violations cited to us by our Membership are that the doors at stations are double-locked and chained, necessitating that some one be called to open the doors when it is necessary to exit from the building. Our request for panic-bar hardware has been denied because of security reasons raised by the Inspection Service.

At one particular facility in Kankakee, Illinois, our members are housed in the basement, with barred windows, and there is only one point of exit. This condition has been brought to the attention of Management and again the word "security" is the cry of the Inspection Service. We believe some remedial action should be taken in situations such as this.

Poor ventilation and heating equipment are constant complaints of our Membership.

This past winter, as you are well aware, has only added to the safety predicament--leaking roofs, falling plaster, etc.

Undoubtedly, you already know that on leased buildings the owners take long periods of time before making necessary repairs or corrections of safety hazards and the Region claims they are powerless to act. In all truthfulness, however, many of these offices do submit work orders on a continuing basis but unfortunately no one seems to come to do the work.

I hope the above information will be useful to you; if not, dispose of it as you may deem advisable.

AFFILIATED WITH | *AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS*
POSTAL TELEPHONE TELEGRAPH INTERNATIONAL

Wishing you and yours the very best for the Easter Holiday, I am with warm personal regards,

Sincerely and fraternally yours,

Louis P. DiSilvestro

Louis P. DiSilvestro
National Business Agent

LPD:mh

NATIONAL ASSOCIATION OF LETTER CARRIERS

BRANCH #459
BOX 26001

RALEIGH,
NORTH CAROLINA 27611

April 6, 1979

Mr. Wayne E. White, National Business Agent,
National Association of Letter Carriers,
Atlanta Region,
P. O. Drawer 10057,
Atlanta, Ga. 30316

Dear Wayne,

In reference to Occupational Safety and Health of Postal Employees the following information is furnished:

The Raleigh Main Office has a very real problem with heat and stagnant air during the warm months of the year. Heat inside the Main Office remains at a constant 37 degrees with no air circulation at all. Carriers complain daily but no action has been taken by management to alleviate the problem. However, the union is trying to do something about it.

The heat problem was discussed with management on September 14, 1977, April 19, 1978, March 19, 1979 and March 21, 1979.

I am now in the process of writing Mr. Emmett E. Cooper, Regional Postmaster General, for his direct assistance in resolving this problem. Obviously, Mr. John C. Cogle, Raleigh Postmaster, is going to do nothing about it.

Our safety talks are infrequent and deal mostly with vehicles.

Fraternally,

John W. Gregory
JOHN W. GREGORY,
President, Branch 459,
NALC

NALC
RECEIVED
APR 11 1979
RESOLVED
WAYNE E. WHITE, NBA
ATLANTA REGION

UNITED STATES POSTAL SERVICE

DISTRICT OFFICE
Tampa, Florida 33622

OUR REF: 21:RAF:cer

DATE: January 3, 1979

SUBJECT: Step 3 Grievance Decision - NALC, Largo FL
Provision Allegedly Violated - 14

TO:
Johnny W. Bourlon, Pres.
Branch 1477 - NALC
12550 - 66th Street No.
Largo FL 33540



Reference is made to the Step 3 grievance decision, Appeal N5 FL 25083, dated November 27, 1978.

Our District Safety Manager investigated the scissors lift at the Gateway Station with you on December 14, 1978, and does not reach the conclusion that there is a serious hazard problem as far as the operation of the lift is concerned. This same type lift is used throughout the Postal Service and they do not constitute a problem if they are utilized in a safe and proper manner.

Further investigation of this particular scissors lift revealed that the holes on each side of the floor of the lift were installed by the local maintenance section, approximately five to six years ago. These holes were used to insert rails to protect the operator from falling from the lift. This is also your suggestion. These railings were not being removed when the lift was not in operation, thus creating a safety hazard. Local management had them removed because of this hazard.

We have made two recommendations to local management regarding safety features of all the scissors lifts installed in the platforms:

1. The electrical power should be shut off at the switches inside the building when the lifts are not being utilized. This will prevent youngsters from being able to operate the lifts.

2. Buzzers should be installed on each lift in order to warn other persons when the lift is being raised or lowered.

for A. B. Cleveland
District Manager

copy: SCM, Tampa
PM, St. Petersburg

President, "

APR 2 0 1973

I work in the East Liverpool, Ohio Post office as a carrier.

The lighting is very poor. We have two fluorescent lights above our heads. all of the ceiling lights are out. It is very difficul to see by. Now I am getting headaches all the time & so are others. But, they won't turn more lights on to help. We would appreciate it if you would look into the matter

M James Shaw
Blank #577

Anthony B. Morell
Mark Roth
BOARD OF TRUSTEES
Hallina Overby
George Davis, Jr.
James G. Souza, Jr.

ond to your
our office.

rwarded to
his inves-
ng from him

faction, and

NALC
NALC

AFFILIATED | AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS
POSTAL TELEGRAPH-CABLE-NEWSPAPER

BRANCH 822 — APPLETON WIS.
NATIONAL ASSOCIATION of LETTER CARRIERS

April 6, 1979

Mr. Gene McNulty
National Business Agent
512 Nicollet Mall Bldg. Rm. 820
Minneapolis, Mn. 55402

RECEIVED
APR 9 1979

Dear Gene:

In regards to your letter on the Occupational Safety and Health of Postal Employees.

We have one item that we would like President Sombrotto to bring before this committee on May 9, 1979, and that is on office lighting in our Post Office. Our lighting is way below standard. One hundred (100) candle light power has been established for all Post Offices. In our office the last readings showed some areas were below 50 candle light power.

These readings were taken when Jerry Thurk was Branch President, and he forwarded all the figures on to Walt at that time. We do not have any record of the readings in our files.

Please forward all the readings on to President Sombrotto.

If for any reason you need to contact me on this matter and the April 15th deadline is near, call me at home after 4pm. My phone no. is 414-757-5082.

Sincerely,

John W. Schleihs
Secretary, Br. 822
P.O. Box 2514
Appleton, Wi. 54911

Bill Benner is on vacation this week

MAY 1979

KEYSTONE BRANCH NO. 157
OF THE
National Association of Letter Carriers
(AFFILIATED WITH THE AFL-CIO)
PHILADELPHIA, PA.
ROOM 111 · 8040 ROOSEVELT BOULEVARD, PHILADELPHIA, PA. 19152 · TELEPHONE 335-0580



April 20, 1979

Mr. John W. O'Shea, NALC
National Business Agent
929 Park Avenue
Pittsburgh, Pa. 15234

Dear Jack:

Listed are several major safety problems in the Phila. Post Office. These problems are of a long duration and no matter how many times we complain nothing is accomplished.

1. Lighting is inadequate in several offices and with the energy crunch more and more lights are being eliminated. The most energy efficient lighting and safest for the employees eyes is the individual case light. These are only in use while the carrier is at the case and as each carrier completes his office duties he promptly turns off the cases light.

2. Mail containers arriving at the stations are overloaded and they are also placed in the trucks improperly. There have been several injuries because of this situation. Management must improve the equipment and must supervise loading of equipment and vehicles.

3. The mandatory two bundle system has caused many back and shoulder injuries. The residential foot carrier cannot safely work the mandatory two bundle system because he is constantly twisting his body reaching into his sack. The safest and most efficient system of delivery for the City Carrier is the modified two bundle system.

4. Security cages have been installed in the jeeps in high crime areas. These cages are a safety hazzard because they obstruct the carriers rear view. Some modifications must be made.

cont.

Safety Problems cont.

5. Custodial service in Philadelphia has been reduced and the work areas at the stations are filthy. This creates an unhealthy work environment.

6. Jeeps in Philadelphia have not been washed in over a year and longer.

All the items listed have been brought to Local Management again and again. There is a total disregard for the safety and health of the Postal Employee by Postal Management.

Respectfully,

Joe Leyko
Vice-President

JL/pc

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:AC:RP:rc DATE: August 30, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
V.P. N.Y. Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health Meeting has been scheduled for Tuesday, September 12, 1978 at 10:00 A.M. The meeting will be held in Room-204, General Post Office, Bronx, N.Y. 10451.

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Friday, September 8, 1978.

RAY L. PERRY
Secretary

U.S. POSTAL SERVICE
ROUTING SLIP

TO:	DEPT., OFFICE OR ROOM NO.	
1 Safety Labor/Management		☐ APPROVAL ☐ SIGNATURE ☐ COMMENT ☐ SEE ME
2 Members		☐ AS REQUESTED ☐ INFORMATION ☐ READ AND RETURN
3		☐ READ AND FILE ☐ NECESSARY ACTION
4		☐ INVESTIGATE ☐ RECOMMENDATION
5		☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer - G.P.O.
Bronx, N.Y. 10451

EXTENSION 665-2800 Ext-256

ROOM NO.

DATE 6/13/78

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of June 7, 1978.

If the Safety Office is not notified of any corrections by June 19, 1978, it will be assumed that the draft is acceptable.

ITEM 0-13 (Additional Remarks on Reverse)
Aug. 1976 (Formerly Form 13)

*USGPO: 1976 — 654-402

April 10, 1979

Mr. Joseph Leal
Shop Steward, Branch 36, N.A.L.C.
Old Chelsea Station
U.S.P.S.
New York, New York 10011

Dear Joe:

Your list of safety violations has been received, and I have turned them over to Pete Petrocelli.

The first complaint mentioned--regarding a new floor for the workroom--is being taken care of. The work has already been contracted out, and a new floor should be installed very shortly.

The balance of your complaints were discussed at the recent Safety and Health meeting, and management assures me that they will comply with the rules outlined in Article 14 of the National Agreement. If no remedial action has been taken by May 1st, please contact this office again.

Regards,

Joseph S. Giordano
President, Branch 36

JSG/cs

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:AC:RP:rc DATE: September 22, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On September 12, 1978 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Harry Ogulnick, Act'g. Chairman	-Tour Superintendent
Ronnie T. Coley, Act'g. Secretary	-Safety Specialist
Marion Williams	-Manager, Plant Maintenance
Selig Weiner	-General Supv., Mails - GPO
David Rosenblatt	-Ind. Eng. Coordinator
Peter Cotona	-Safety Specialist
Stanley Kaplan	-Bronx-V.P. NYMPU-APWU
Herman V. Dixon	-Steward - Br. 36 NALC Hub Sta.

GUEST:

Following the reading of the minutes which were adopted as read, Mr. Ogulnick, Act'g. Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-34 - Acoustical material and inner liners to be installed on ZMT's to reduce noise. Region rejected material tested - Recommend problem be sent to Regional Safety for resolution - Musical headsets for ZMT operators have been installed to help alleviate noise- UNRESOLVED

76-40 - New Bids are out for new lighting at Jerome Station. Mr. Weiner to report on progress. - UNRESOLVED

77-03 - Cornell Station
B. Bronx Industrial Engineer has submitted to District Manager Form-200X for sliding gate installation to replace swinging gate at vehicle entrance. Installation of gate has been approved by District Manager. Mr. Weiner to report on progress. - UNRESOLVED

C. Employee entrance gate included in Form-200X above. Location to be determined. Mr. Weiner to report. - UNRESOLVED

77-16 - Work completed on ventilation in Carrier's swingroom. - RESOLVED

77-24 - Bids are out to correct floor level of elevators #1 and #2. Mr. Williams to report on progress. - UNRESOLVED

78-01 - Mr. Weiners reported that roof canopy design had been approved for Cornell Station. Bids will be submitted for work. Canopy should solve all snow and icing conditions as it will enclose loading deck and ramp area. - UNRESOLVED

NEW AGENDA ITEMS

Mr. Ogulnick - Act'g. Chairman - entertained discussion on the following new items submitted for consideration:

78-05 - Request was made that a memo be sent to all station Managers advising them to test their heating units and make required corrections before cold weather sets in. Referred to Mgr. Mail Processing. - RESOLVED

78-06 - Mr. Stanley Kaplan requested that Safety Talks at GPO be given on a regular basis as per issued instructions. Referred to Mgr. Mail Processing. - RESOLVED

The meeting was adjourned by Mr. Ogulnick at 10:45 AM.

No specific date was set for the next meeting which will be determined and communicated to committee members.

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: LN:sms DATE: January 29, 1979

SUBJECT: Safety & Health Meeting 1/25/79 P.O.CL:

MR. DANNY FELTON - BR. 36 NALC

TO: Mr. E.F. Guzzi
Chairman, Safety & Health Committee
General Post Office - Room 207
Bronx, NY 10451

As requested at Safety and Health Meeting conducted on January 25, 1979, the following is submitted:

Old Agenda Items - 9/12/78

Item 76-34 No further progress. Matter still at Region Level. Unresolved.

Item 76-40 Bids received and contract for case lights awarded. Job to be completed by April 1979.

Item 77-03 B. Cornell vehicle entrance gate installed and operable.
C. Station Manager will be contacted to see if employee gate still necessary.

Item 78-01 Cornell Station roof canopy under contract 1/8/79. Job to be completed by May 4, 1979.

Petition submitted by Delegate for Tremont Station:

Item 1 - There has been no report submitted by Manager of Tremont Station of any heating system malfunction either in accounting period report or by work order.

Item 2 - During the months of July and August 1978, action was taken on the matter. Private contractor repaired compressor and was paid for his services by Procurement Services on September 5, 1978. There have been no further reports of malfunction on subsequent Safety and Health Reports from Tremont Station.

(continued)

64-401 O - 80 - 9

Item 3 - The main item is "roof leaks". All other items are revelant to this matter. Action has been in progress on leaking roof since 1977. As of December 30, 1977, a report was submitted to Mr. Di Maggio stating that the building was inspected by the lessor, a roof contractor and Station Manager Brewer on December 14, 1977 and no evidence of water leaking through roof was found. Mr. Brewer insisted that there were leaks. Mr. Brewer was given phone numbers to contact contractor in case of leaks during rainy weather. Case was considered closed by Plant Maintenance, since no further reports were received. Matter again reported on Safety and Health Report dated April 25, 1978. Based on this report and Mrs. Hicks' Routing Slip (0-13) on August 1, 1978 action with lessor was resumed. Partial action and lack of action by lessor during period of August through October 1978 resulted in a recommendation to Bronx Area Procurement on November 21, 1978 to have repairs submitted to Procurement Service Office for contract bidding. Forms 7381, Request for Services, was submitted on January 3, 1979 and on January 16, 1979 acknowledged. PSO #79-1132 was assigned and acted upon. A phone call made by Mr. Tolve of Bronx Procurement to PSO revealed that contractors will be visiting Tremont in the near future to examine roof and to submit bids for repairs.

Item 4 - No record of matter. Station Manager's reports do not reveal any entry or work order.

Files will be available at the next Safety & Health Meeting.

Louis Nocito

LOUIS N. NOCITO
Actg. Industrial Engineer

U.S. POSTAL SERVICE ROUTING SLIP	DEPT., OFFICE OR ROOM NO.	
TO: 1 Safety Labor/Management		☐ APPROVAL ☐ SIGNATURE ☐ COMMENT ☐ SEE ME
2 Members		☐ AS REQUESTED ☐ INFORMATION ☐ READ AND RETURN
3		☐ READ AND FILE ☐ NECESSARY ACTION
4		☐ INVESTIGATE ☐ RECOMMENDATION
5		☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer - GPO
Bronx, N.Y. 10451

665-2800 Ext-256

ROOM NO.

DATE 9/22/78

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of September 12, 1978.

If the Safety Office is not notified of any corrections by October 2, 1978, it will be assumed that the draft is acceptable.

Ray Perry
Secretary

ITEM 0-13 (Additional Remarks on Reverse) *USGPO: 1976 — 654-402
Aug. 1976
(Formerly Form 13)

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:RSA:RP:rc DATE: February 15, 1979

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On January 25, 1979 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held a the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Louis Nocito	-Quality Control Officer
John J. Kelly	-Supv. Maintenance, MPE
Stanley Kaplan	-Bronx Director, NYMPU-APWU
Herman V. Dixon	-Steward - Br. 36 NALC Hub Sta.
Henry R. Holmes	-Chief Steward - Local 300-MH
Danny Felton	-Rec-Secretary, Branch-36 NALC
Nathan Tfrin	-Steward - Br. 36 NALC Tremont

GUEST:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-34 - Acoustical material and inner liners to be installed on ZMT to reduce noise. Region rejected material tested - Recommend problem be sent to Regional Safety for resolution - UNRESOLVED

76-40 - Jerome Station - Poor lighting. Bids have been received and contract awarded for installation of case lights. Job to be completed by April 1979. Mr. Weiner to report. - UNRESOLVED

77-03 - Cornell Station

B. Work has been completed on installation of sliding gate at vehicle entrance. - RESOLVED

C. Employee entrance gate to be installed. Location to be determined. Station Manager will be contacted to see if employee gate still necessary. Mr. Weiner to report. - UNRESOLVED

77-24 - Bids are out to correct floor level of elevators #1 and #2. Mr. Kelly/Report on progress. - UNRESOLVED

78-01 - Cornell Station roof canopy is under contract as of 1/8/79. Job to be completed by May 4, 1979. UNRESOLVED

79-01 - The north and south garage doors do not close properly, therefore, making it very cold and uncomfortable for employees working in the garage. Work Order is to be made out and submitted to Plant Maintenance. Mr. Kelly to expedite work. - RESOLVED

79-02 - Cars and trucks are not stopping at the stop signs when they enter the garage. Mr. Guzzi will issue letter instructing all guards to direct traffic during peak hours. - RESOLVED

79-03 - Tremont Station - Steward, Nathan Tfrin and Recording Secretary, Danny Felton both of Branch #36 NALC, made reference to items contained in a petition by the employees of Tremont Station. Formal presentation of the petition itself was postponed pending management's response to the complaints listed as items in the petition wich were as follows: 1) In the winter the heating system blows cold air causing many employees to suffer bad colds. 2) In the summer the air condition blows hot air. 3) The ceiling floods the work floor when it rains causing slippery floors, wet ceiling wires and pieces of the ceiling bubbles then burst and fall to the floor. We suspect that these falling pieces may be made of asbestos. 4) Gas burner on the first floor has been broken since it was installed 7 years ago.

These items were feferred to Mr. Nocito for action and/or a report. - UNRESOLVED

The meeting was adjourned by Mr. Guzzi at 11:00 A.M.

No specific date was set for the next meeting which will be determined and communicated to comittee members.

U.S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.	
TO: 1 Safety Labor/Management	
2 Members	
3	
4	
5	

- ☐ APPROVAL
- ☐ SIGNATURE
- ☐ COMMENT
- ☐ SEE ME
- ☐ AS REQUESTED
- ☐ INFORMATION
- ☐ READ AND RETURN
- ☐ READ AND FILE
- ☐ NECESSARY ACTION
- ☐ INVESTIGATE
- ☐ RECOMMENDATION
- ☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer -GPO
Bronx, N.Y. 10451

665-2800 Ext-256

ROOM NO.

DATE 2/16/79

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of January 25, 1979.

If the Safety Office is not notified of any corrections by February 28, 1979, it will be assumed that the draft is acceptable.

R. Perry

Ray Perry
Secretary

PS Form 13
Dec. 1970

(Additional Remarks on Reverse)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1974-651-071

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

MEMO #79-84
MAR. 8, 1979

OUR REF: E&LR:RSA:RP:ed

SUBJECT: Labor/Management Safety and Health Meeting

p.O.CL:

TO: All Managers
Station/Units

PLEASE POST

On January 25, 1979 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held a the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Louis Nocito	-Quality Control Officer
John J. Kelly	-Supv. Maintenance, MPE
Stanley Kaplan	-Bronx Director, NYMFU-APWU
Herman V. Dixon	-Steward - Br. 36 NALC Hub. Sta.
Henry R. Holmes	-Chief Steward - Local 300-MH
Danny Felton	-Rec-Secretary, Branch-36 NALC
Nathan Tfrin	-Steward - Br. 36 NALC Tremont

GUEST:

Following the reading of the minutes which were adopted as read, Mr. Guzzi Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISUSSED AS FOLLOWS:

76-34 - Acoustical material and inner liners to be installed on ZMT to reduce noise. Region rejected material test - Recommend problem be sent to Regional Safety for resolution - UNRESOLVED

76-40 - Jerome Station - Poor lighting. Bids have been received and contract awarded for installation of case lights. Job to be completed by April 1979. Mr. Weiner to report. - UNRESOLVED

77-03 - Cornell Station

B. Work has been completed on installation of sliding gate at vehicle entrance. - RESOLVED

C. Employee entrance gate to be installed. Location to be determined. Station Manager will be contacted to see if employee gate still necessary. Mr. Weiner to report. - UNRESOLVED

77-24 - Bids are out to correct floor level of elevators #1 and #2. Mr. Kelly to report on progress. - UNRESOLVED

78-01 - Cornell Station roof canopy is under contract as of 1/8/79. Job to be completed by May 4, 1979. UNRESOLVED

79-01 The north and south garage doors do not close properly, therefore, making it very cold and uncomfortable for employees working in the garage. Work Order is to be made out and submitted to Plant Maintenance. Mr. Kelly to expedite work. - RESOLVED

79-02 Cars and trucks are not stopping at the stop signs when they enter the garage. Mr. Guzzi will issue letter instructing all guards to direct traffic during peak hours. - RESOLVED

79-03 - Tremont Station - Steward, Nathan Tfrin and Recording Secretary, Danny Felton both of B ranch #36 N ALC, made reference to items contained in a petition by the employees of Tremont Station. Formal presentation of the petition itself was postponed pending management's response to the complaints listed as items in the petition which were as follows: 1) In the winter the heating system blows cold air causing many employees to suffer bad colds. 2) In the summer the air condition blows hot air. 3) The ceiling floods the work floor when it rains causing slippery floors, wet ceiling wires and pieces of the ceiling bubbles then burst and fall to the floor. We suspect that these falling pieces may be made of asbestos. 4) Gas burner on the first floor has been broken since it was installed 7 years ago.

These items were referred to Mr. Nocito for action and/or a report. - UNRESOLVED

The meeting was adjourned by Mr. Guzzi at 11:00 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

CHARTERED 1889

New York Letter Carriers, Branch Thirty-Six

National Association of Letter Carriers

JOSEPH S. GIORDANO, Exec. Vice-Pres.
255 WEST 43rd STREET
NEW YORK, N.Y. 10036

DANNY FELTON, Secretary
255 WEST 43rd STREET
NEW YORK, N.Y. 10036

MORRIS ROSE
HEALTH BENEFIT REPRESENTATIVE
GRAND CENTRAL STATION
NEW YORK, N.Y. 10017

255 WEST 43rd STREET
New York, N.Y. 10036
354-5210

LOU YOCKEL, Vice Pres.
255 WEST 43rd STREET
NEW YORK, N.Y. 10036

ARTHUR ULLMAN
Fin. Secy.-Treasurer
255 WEST 43rd STREET
NEW YORK, N.Y. 10036

SID KLEIN, Editor
CANAL/PRINCE STATION
NEW YORK, N.Y. 10013

Vincent R. Sombrotto, President

January 19, 1977

Mr. Ray Perry
Dept. of Safety & Health
Bronx GPO
Bronx, New York 10451

Dear Mr. Perry:

As per your letter dated January 11, 1977 notifying my office of a joint labor management Safety and Health meeting, to be held on Thursday, January 27, 1977 at 10:00 A.M. in Room 204 at the Bronx GPO. I am submitting the following agenda, not limited to:

77-01

Tremont Station

Toilet bowl out
Four locks to facilities not working
Paper towel shortage
Improper lighting

Regional Dir + Coll

Mott Haven

77-02

A Very small lettering on case labels (new 6 ~~DX~~ rows)
(Makes for eye strain)
B No heat until late Monday morning ~~HHH~~
Security guards needed on day of pension
C and Social Security checks. Guards needed TO PM. OR I-C.
in all South Bronx stations on that date

Cornell Station

77-03

A Driveway needs paving
Gate should roll, not swing
Need employees' entrance at gate
Ramp slipping - could use notches or rubber mat for traction
No heat 1-17 through 19 (as this is being written)
No water - same dates as above

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE August 30, 977

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

Please be advised that ~~the~~ Tremont Stations air conditioning unit is constantly out of order. This unit blows hot in the summer and cold=in the winter. The condition that prevails now is that the air condition unit is causing flooding at hte station that pieces of ceiling is falling down and that water is running down onto the first floor affecting the stamp windows. Some day the water is going to hit the electric lines and we will be in real trouble.

Blvd. Sta. Driving Carriers
Bronx, N.Y. 10459
Jan. 17, 1977

Dear Mr. Giordano

We the undersigned request your aid in helping us in our fight to eliminate the abnormal working conditions we are forced to work under here at Boulevard Station. The abnormal conditions are that we are forced to drive unsafe trucks. I realize that the use of the word force might seem to be dramatizing the issue a bit, but once you look at the facts, you can see that the use of the word is appropriate. I say this because all of the trucks here at Boulevard are for quite sometime have been beyond repair. If we don't use one of these trucks, we can't perform our daily duties. There are many reasons for us saying that the trucks are beyond repair, but I will only list the major reasons for our concern, and among them are the facts that the trucks bodies are all rusted, malfunctioning door locks, defective bumpers and inactive heaters. Driving these dilapidated trucks are also a threat to our health because of the intoxicating fumes from the malfunctioning motors.

I am appealing to you because our many attempts through normal channels have failed. We have sent these trucks time after time to our local garage, but they have failed to rectify these conditions. I must add however that the mechanics shouldn't be blamed too much because as we have stated already the trucks are beyond repair; therefore I am appealing to you to aid us in our stagnated fight because our pleads seem to be ignored by our superiors.

1. _____ 21. _____
2. _____ 22. _____
3. _____ 23. _____
4. _____ 24. _____
5. _____ 25. _____
6. _____ 26. _____
7. _____ 27. _____
8. _____ 28. _____
9. _____ 29. _____
10. _____ 30. _____

U. S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.

TO:

1 Member J. Giordano

2 Safety Labor/Management

3

4

5

- ☐ APPROVAL
- ☐ SIGNATURE
- ☐ COMMENT
- ☐ SEE ME
- ☐ AS REQUESTED
- ☐ INFORMATION
- ☐ READ AND RETURN
- ☐ READ AND FILE
- ☐ NECESSARY ACTION
- ☐ INVESTIGATE
- ☐ RECOMMENDATION
- ☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer - GPO
Bronx, N.Y. 10451

EXTENSION 665-2800 Ext-256

ROOM NO.

DATE 5/8/79

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of May 3, 1979.

If the Safety Office is not notified of any corrections by May 18, 1979, it will be assumed that the draft is acceptable.

Ray Perry
Secretary

ITEM 0-13
Aug. 1976 (Formerly Form 13)

(Additional Remarks on Reverse)

☆USGPO: 1978 — 753-569

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:AC:RP:rc DATE: June 7, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On June 7, 1978 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Harry Ogulnick, Act'g. Chairman	-Tour Superintendent
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Marion Williams	-Manager, Plant Maintenance
Selig Weiner	- General Supv., Mails - GPO
Joseph Giordano	-V.P. - Branch 36 NALC
Herman V. Dixon	-Steward - Br. 36 NALC Hub Sta.
Stanley Kaplan	-Bronx-V.P. NYMPU-APWU
H.R. Holmes	-Chief Steward - Local 300, M.H.
Joan Coates	-Chief Steward - Local 300, RMH

GUEST:

Following the reading of the minutes which were adopted as read, Mr. Ogulnick, Act'g. Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-34 - Acoustical material and inner liners for ZMT consoles are waiting for national solution. Mr. Weiner. - UNRESOLVED

76-40 - New bids are out for new lighting at Jerome Station. Mr. Weiners to report. - UNRESOLVED

77-03 - Cornell Station

B. Bronx Industrial Engineer has submitted to District Manager Form-200X for sliding gate installation to replace swinging gate at vehicle entrance. Mr. Weiner to report on District Manager's action. - UNRESOLVED

C. Employee entrance gate included in Form-200X above. Location to be determined following District Manager action. Mr. Weiner to report. - UNRESOLVED

77-16 - Contractor made inspection to determine work required for adequate ventilation in Carrier's swingroom. Recommended a 16 foot duct from the air supply line in the examination room. Submitted to the Regional Office for approval. Mr. Weiner to report. - UNRESOLVED

77-24 - Previous examination by Plant Maintenance of #1 and #2 elevator for proper floor level inconclusive. Bids are out to correct problem. Mr. Williams to report. - UNRESOLVED

Cornell Station -

78-01 - Installation of left side hand rail was made by contractor. Mr. weiner reported that roof canopy is in design at 90 Church Street. Assigned to engineer Tom Toy. Canopy should solve all snow and icing conditions as it will enclose loading deck and ramp area. - UNRESOLVED

78-02 - Riverdale Station - Plant Maintenance to correct sticking inner swinging doors. Work completed on 3/13/78 W/O #0977. RESOLVED

78-03 - Tremont Station - Roof leak. Station Manager was given two (2) phone numbers in which to reach the roofer when roof starts leaking, there is a twenty (20) year warranty on the roof for repairs. - UNRESOLVED

NEW AGENDA ITEMS

78-04 - Bronx, GPO - Vehicle driving employees are not stopping at the entrance and exit doors. Suggest that Mr. Guzzi put out a letter instructing the guard on door to check all vehicles in violation and stop them if necessary. - RESOLVED

The meeting was adjourned by Mr. Ogulnick at 10:47 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

UNITED STATES POST OFFICE

OUR REF: E&LR:AC:RP:rc DATE: May 19, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
V.P. N.Y. Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health Meeting has been scheduled for Wednesday, June 7, 1978 at 10:00 A.M. The metting will be held in Room-204, General Post Office, Bronx, N.Y. 10451.

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Friday, June 2, 1978.

Ray Perry

RAY L. PERRY
Secretary

U.S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.

TO:

1 Safety Labor/Management

2 Members

3 MR. GIORDANO

4 V.P. BRANCH 36-NALC

5

- [ ] APPROVAL
- [ ] SIGNATURE
- [ ] COMMENT
- [ ] SEE ME
- [ ] AS REQUESTED
- [ ] INFORMATION
- [ ] READ AND RETURN
- [ ] READ AND FILE
- [ ] NECESSARY ACTION
- [ ] INVESTIGATE
- [ ] RECOMMENDATION
- [ ] PREPARE REPLY

FROM Mr. Ray Perry
Safety Office - G.P.O.
Bronx, N.Y. 10451

665-2800 Ext-256

ROOM NO.

DATE 3/13/78

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of March 8, 1978.

If the Safety Office is not notified of any corrections by March 20, 1978, it will be assumed that the draft is acceptable

ITEM 0-13 (Additional Remarks on Reverse)
Aug. 1976 (Formerly Form 13)

*USGPO: 1976 — 654-402

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: PJC:RLP:rc DATE: March 8, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On March 8, 1978 at 10:00 A.M. a Jount Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley,	-Safety Specialist
Marion Williams	-Manager Plant Maint.
Selig Weiner	-General Supv. Mail, GPO
Lydia E. Washington	-Postal Oper. Assoc.
Thedore D. Larkin	-Dispatcher, MVS
Joseph Giordano	-V.P. - Branch 36 NALC
Herman V. Dixon	-Steward - Hub Sta. Br. 36 NA LC
H.R. Holmes	-Chief Steward - Local 300, M.H.

GUEST:

Ronald J. Dreskin	-Shop Stewart - Coop City Sta. Br. 36 NALC
Fred E. Nisen	-CLC, Branch 36 NALC

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-30 - Musical headsets for ZMT operators. Headsets have been purshased. Bids are out for installation. - RESOLVED

76-34 - Acoustical material and inner liners for ZMT consoles are awaiting further determination from Washington by Mr. Weiner. -UNRESOLVED

64-401 O - 80 - 10

76-40 - Chairman advised Mr. Weiner to determine Region disposition on request for new lighting system at Jerome Station and report. - UNRESOLVED

77-03 - Cornell Station

B. Bronx Industrial Engineer has submitted to District Manager Form-200X for sliding gate installation to replace swinging gate at vehicle entrance. Mr. Weiner to report on District Manager action. - UNRESOLVED

C. Employee entrance gate included in Form-200X above. Location to be determined following District Manager action. Mr. Weiner to report. - UNRESOLVED

77-11 - Mr. Holmes reports satisfaction with maintenance of rolling equipment. - RESOLVED

77-16 - PS Form-7381 to be submitted for Manager Customer Services approval on estimates from contractors to determine work required for adequate ventilation in Carrier swingroom. Mr. Weiner to report. - UNRESOLVED

77-24 - Previous examination by Plant Maintenance of #1 and #2 elevator for proper floor level inconclusive. Mr. Williams to follow-up and report next meeting. - UNRESOLVED

NEW AGENDA ITEMS

Cornell Station -

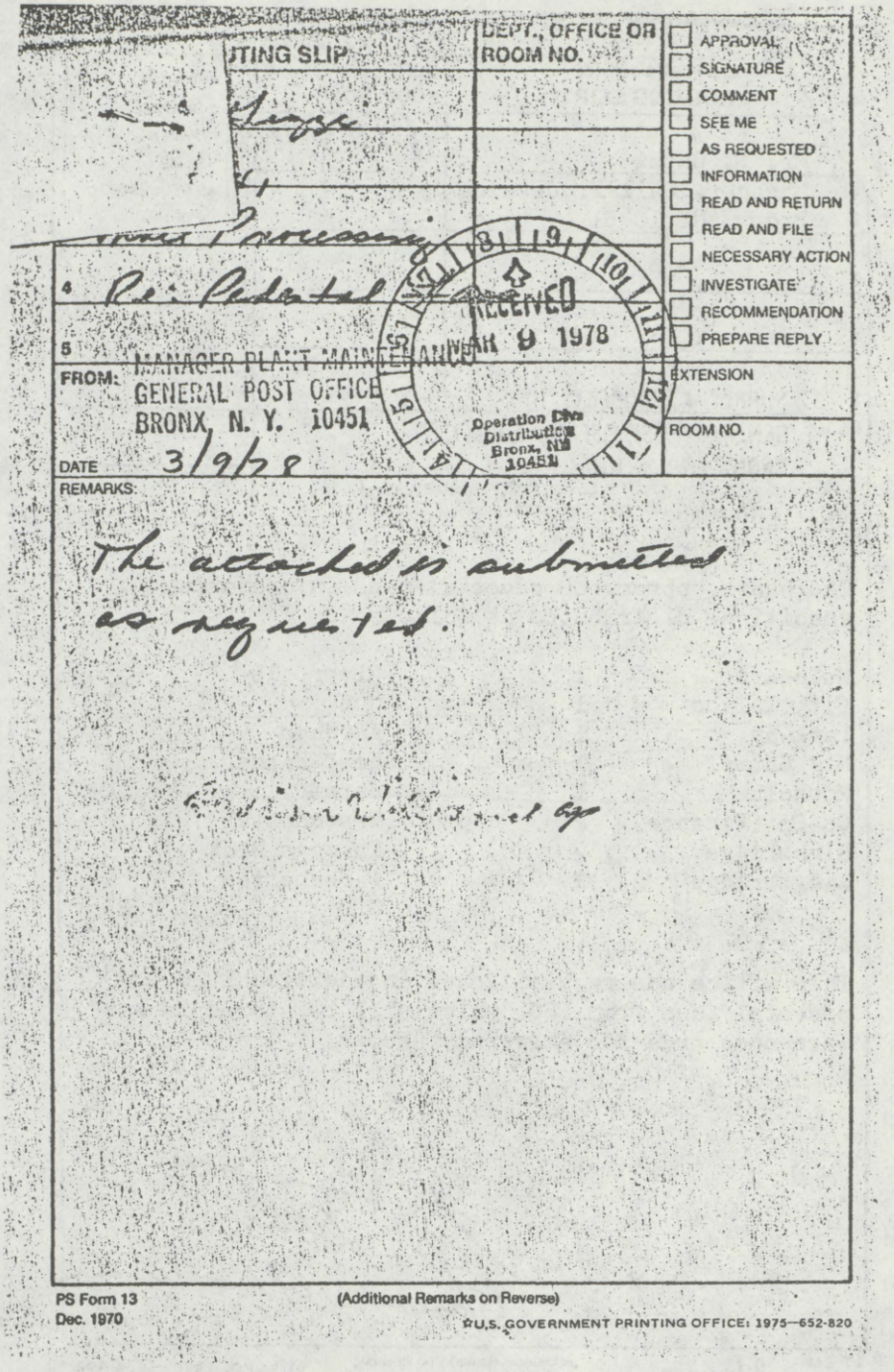
78-01 - Rear entrance ramp found to have no non-slip coating applied. Installation of left side hand rail by contract and extention of roof canopy submitted on Form-200X to District Manager, expected to eliminate hazard. Mr Weiner to report. - UNRESOLVED

78-02 - Riverdale Station - Plant Maintenance to correct sticking inner swinging doors. - UNRESOLVED

78-03 - Tremont Station - Roof leak. Water drips down from ceiling through the electrical fixtures. Plant Maintenance to investigate and report. - UNRESOLVED

The meeting was adjourned by Mr. Guzzi at 11:20 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee menbers.



...UTING SLIP

DEPT., OFFICE OR ROOM NO.

APPROVAL
SIGNATURE
COMMENT
SEE ME
AS REQUESTED
INFORMATION
READ AND RETURN
READ AND FILE
NECESSARY ACTION
INVESTIGATE
RECOMMENDATION
PREPARE REPLY

4 Re: Pedestal

5 MANAGER PLANT MAINTENANCE

FROM: GENERAL POST OFFICE
BRONX, N. Y. 10451

DATE 3/9/78

RECEIVED
MAR 9 1978
Operation Div.
Distribution
Bronx, NY
10451

EXTENSION

ROOM NO.

REMARKS:

The attached is submitted as requested.

PS Form 13
Dec. 1970

(Additional Remarks on Reverse)

U.S. GOVERNMENT PRINTING OFFICE: 1975—652-820

11/30/77

U.S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.

Medina

1 Mr. E. Guzzi
Manager, Mail Processing
2 Bronx, NY 10451

3

4

5 SUPPLY & PROPERTY UNIT

- [ ] APPROVAL
- [ ] SIGNATURE
- [ ] COMMENT
- [ ] SEE ME
- [ ] AS REQUESTED
- [ ] INFORMATION
- [ ] READ AND RETURN
- [ ] READ AND FILE
- [x] NECESSARY ACTION
- [ ] INVESTIGATE
- [ ] RECOMMENDATION
- [ ] PREPARE REPLY

FROM: GENERAL POST OFFICE, ROOM 309
BRONX, N.Y. 10451

EXTENSION

ROOM NO.

DATE: November 30, 1977

REMARKS

There are approx. 80 pedestal fans in operating condition, distributed as follows:

Melcourt	1	Riverdale	3
City Island	1	Hub	7
Parkway	1	Fordham	7
Mt. Carmel	1	West Farms	3
Mosholu	1	Jerome	12
Co-Op (Finance)	2	Westchester	2
Highbridge	7	Throggs Neck	3
Kingsbridge	2	Parkchester	4
		GPO	23

This office has requisitioned an additional 20 pedestal fans from PSO, which will be stored in our warehouse area for emergency use.

J. Tolve
Foreman, Office Services

ITEM 0-13 (Additional Remarks on Reverse) USGPO: 1976—654-402

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:PC:RP:rc DATE: February 24, 1978

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
V.P. N.Y. Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health Meeting has been scheduled for Wednesday, March 8, 1978 at 10:00 A.M. The meeting will be held in Room-204, General Post Office, Bronx, N.Y. 10451.

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Monday, March 6, 1978.

RAY L. PERRY
Secretary

MEMO #78-87

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

MAR. 22, 1978

OUR REF: PJC:RLP:RC:dj

SUBJECT: Labor/Management Safety and Health Meeting

TO: All Managers
Station/Units

PLEASE POST

On March 8, 1978 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, NY 10451

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Marion Williams	-Manager, Plant Maintenance
Selig Weiner	-General Supv., Mails - GPO
Lydia E. Washington	-Postal Oper. Assoc.
Thedore D. Larkin	-Dispatcher, MVS
Jospeh Giordano	-V.P. - Branch 36 NALC
Herman V. Dixon	-Steward - Hub Sta. Br. 36 NALC
H.R. Holmes	-Chief Sreward - Local 300, M.H.

GUEST:

Ronald J. Dreskin	-Shop Stewart - Co-op City Sta. Br. 36 NALC
Fred E. Nisen	-CLC, Branch 36 NALC

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-30 - Musical headsets for ZMT operators. Headsets have been purchased. Bids are out for installation. RESOLVED

76-34 - Acoustical material and inner liners for ZMT consoles are awaiting further determination from Washington by Mr. Weiner. - UNRESOLVED NATL

(over)

U. S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.	
TO: 1 Safety Labor/Management	
2 Members	
3 Mr J. Giordano	
4	
5	

- ☐ APPROVAL
- ☐ SIGNATURE
- ☐ COMMENT
- ☐ SEE ME
- ☐ AS REQUESTED
- ☐ INFORMATION
- ☐ READ AND RETURN
- ☐ READ AND FILE
- ☐ NECESSARY ACTION
- ☐ INVESTIGATE
- ☐ RECOMMENDATION
- ☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Office - G.P.O.
Bronx, N.Y. 10451

DATE 12/16/77

EXTENSION 256

ROOM NO.

REMARKS

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of November 30, 1977.

If the Safety Office is not notified of any corrections by December 23, 1977, it will be assumed that the draft is acceptable.

ITEM 0-13 (Additional Remarks on Reverse)
Aug. 1976 (Formerly Form 13)

*USGPO: 1976 — 654-402

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: PJC:RLP:rc DATE: November 30, 1977

SUBJECT: Labor/Management
Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On November 30, 1977 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ronnie T. Coley, Act'g. Secretary	-Safety Specialist
Peter J. Cotona	-Safety Specialist
David Rosenblatt	-Industrial Eng. Coordinator
Marion Williams	-Manager, Plant Maint.
Louis DiMaggio	-Supt. Maintenance
Earl L. Jackson	-Veh. Oper. Analyst
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Herman V. Dixon	-Steward - Hub Sta. - Br. 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
H.R. Holmes	-Chief Steward - Local 300, M.H.

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station. Corrected 8/15/77 Plant Maint.- RESOLVED

76-30 - Musical headsets for ZMT operators - Mr. Rosenblatt has submitted request to Room-3227, Procurement. - UNRESOLVED

76-33 - Unfavorable ambient temperature in ZMT area. Reset air handler control on south side of 2nd floor and installed thermometers. - RESOLVED

76-34 - Install acoustical material to interior of ZMT panelling and line inner area of consoles with material to reduce the noise level. Cork liners for ZMT was tried in the Western Region and found little or no abatement of noise level. Problem has been referred to Washington for possible solution. - UNRESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station. Installation of a new lighting system has been approved by the Region. Progress report to be made by Mr. Weiner. - UNRESOLVED

77-03 - Cornell Station

B. Vehicle entrance gate should roll, not swing open. Meeting was set up with contractor to obtain cost of double rolling gate. Cost of such a project ($1300) appears not feasible at this time. Mr. Weiner to follow-up and report. - UNRESOLVED

C. Needs separate employees entrance. Location where the separate employee entrance will be installed is to be determined. Mr. Weiner to follow-up and report. - UNRESOLVED

D. Rear entrance ramp has been coated with an epoxy non-slip coating. - RESOLVED

77-08 - Tremont Station - Toilet bowl corrected 4/28/77. Roof fixed 8/15/77. - RESOLVED

77-10 - Hub Station - Roof leak. - Repaired in-house 8/15/77. - RESOLVED

77-11 - Poor upkeep and lack of maintenance of rolling equipment such as tubs, hampers etc. Plant Maintenance to look into the practicality of including all rolling equipment into its regular preventive maintenance system. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room was repaired on 8/11/77, work order #1414. - RESOLVED

77-16 - Inadequate ventilation in swing room in carrier section, GPO Annex #1. Work Order and drawing submitted to Plant Maintenance. Mr. Weiner to follow-up and report. - UNRESOLVED

77-17 - Insufficient light over carrier cases at Hub Station. Relocation of carrier cases was made. Lighting improved. - RESOLVED

77-18 - Cleaning machine for cleaning relay and carrier bags. Cleaning machine for mail bags deemed to be national in scope, cannot do locally. Mr. Weiner to report problem to Region. - RESOLVED

77-21 - Air conditioner failure at Morris Heights Station was corrected on 9/77. New compressor installed. - RESOLVED

77-22 - Floor fans on hand in case of airconditioner failure. The Supply & Property Unit submitted a listing of all pedestal fans on hand and in operating order. There are approximately 80 fans available and 20 new fans have been requisitioned and will be stored for emergency use. - RESOLVED

77-24 - Elevators #1 and #2 are not level with the floor which makes it difficult to push mail on and off elevators. Examination of elevators is being made by Plant Maintenance. Mr. Williams to follow-up and report. - UNRESOLVED

The meeting was adjourned by Mr. Guzzi at 11:00 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

MEMO # 78-11

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: PJC:RLP:rc

SUBJECT: Labor/Management
Safety and Health Meeting Jan. 5, 1978

TO: All Managers
Station/Units

PLEASE POST

On November 30, 1977 at 10:00 AM a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Mgr., Mail Processing
Ronnie T. Coley, Act'g. Sec'y.	-Safety Specialist
Peter J. Cotona	-Safety Specialist
David Rosenblatt	-Ind. Eng. Coordinator
Marion Williams	-Mgr., Plant Maint.
Louis DiMaggio	-Supt. Maintenance
Earl Jackson	-Veh. Oper. Analyst
Joseph Giordano	-Vice Pres. Br. 36 NALC
Herman V. Dixon	-Steward - Hub Sta. Br. 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
H.R. Holmes	-Chief Steward - Local 300, N.H.

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station. Corrected 8/15/77 Plant Maint. - RESOLVED

76-30 - Musical headsets for ZIT operators - Mr. Rosenblatt has submitted request to Room-3227, Procurement. - UNRESOLVED 37 SETS RESOLVED-

76-33 - Unfavorable ambient temperature in ZIT area. Reset handler control on south side of 2nd floor and installed thermometers. - RESOLVED

76-34 - Install acoustical material to interior of ZMT panelling and line inner area of consoles with material to reduce the noise level. Cork liners for ZMT was tried in the Western Region and found little or no abatement of noise level. Problem has been referred to Washington for possible solution. - UNRESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station. Installation of a new lighting system has been approved by the Region. Progress report to be made by Mr. Weiner. - UNRESOLVED

77-03 - Cornell Station

B. Vehicle entrance gate should roll, not swing open. Meeting was set up with contractor to obtain cost of double rolling gate. Cost of such a project ($1300) appears not feasible at this time. Mr. Weiner to follow-up and report. - UNRESOLVED

C. Needs separate employees entrance. Location where the separate employee entrance will be installed is to be determined. Mr. Weiner to follow-up and report. - UNRESOLVED

D. Rear entrance ramp has been coated with an epoxy non-slip coating. - RESOLVED - O/K NEW GRIEVANCE

77-~~08~~ - Tremont Station - Toilet bowl corrected 4/28/77. Roof fixed 8/15/77. - RESOLVED

77-10 - Hub Station - Roof leak. - Repaired in-house 8/15/77 - RESOLVED

77-11 - Poor upkeep and lack of maintenance of rolling equipment such as tubs, hampers etc. Plant Maintenance to look into the practicality of including all rolling equipment into its regular preventive maintenance system. - UNRESOLVED RESOLVED

77-12 - Broken floor at rear entrance door of swing room was repaired on 8/11/77, work order #1414. - RESOLVED

77-16 - Inadequate ventilation in swing room in carrier section, GPO Annex #1. Work Order and drawing submitted to Plant Maintenance. Mr. Weiner to follow-up and report. - UNRESOLVED

77-17 - Insufficient light over carrier cases at Hub Station. Relocation of carrier cases was made. Lighting improved, - RESOLVED

MEMO # 78-11

77-18 - Cleaning machine for cleaning relay and carrier bags. Cleaning machine for mail bags deemed to be national in scope, cannot do locally. Mr Weiner to report problem to Region. - RESOLVED ASK

77-21 - Air conditioner failure at Morris Heights Station was corrected on 9/77. New compressor installed. - RESOLVED

77-22 - Floor fans on hand in case of air-conditioner failure. The Supply & Property Unit submitted a listing of all pedestal fans on hand and in operating order. There are approximately 80 fans available and 20 new fans have been requisitioned and will be stored for emergency use. - RESOLVED ASK

77-24 - Elevators #1 and #2 are not level with the floor which makes it difficult to push mail on and off elevators. Examination of elevators is being made by Plant Maintenance. Mr. Williams to follow-up and report. - UNRESOLVED MN

The meeting was adjourned by Mr. Guzzi at 11:00 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

U.S. POSTAL SERVICE ROUTING SLIP	DEPT., OFFICE OR ROOM NO.	
TO: 1 Safety Labor/Management		☐ APPROVAL ☐ SIGNATURE ☐ COMMENT ☐ SEE ME
2 Members		☐ AS REQUESTED ☐ INFORMATION ☐ READ AND RETURN
3		☐ READ AND FILE ☐ NECESSARY ACTION ☐ INVESTIGATE
4		☐ RECOMMENDATION ☐ PREPARE REPLY
5		
FROM: Mr. Ray Perry Safety Office - G.P.O. Bronx, N.Y. 10451 DATE 8/24/77		EXTENSION 256 ROOM NO.

REMARKS:

Attached find a draft of the Minutes of the Safety & Health Labor/Management Meeting of August 11, 1977.

If the Safety Office is not notified of any corrections by September 7, 1977, it will be assumed that the draft is acceptable.

PS Form 13
Dec. 1970

(Additional Remarks on Reverse)

☆U.S. GOVERNMENT PRINTING OFFICE: 1975—652-820

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: PJC:RLP:rc DATE: August 11, 1977

SUBJECT: Labor/Management
Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On August 11, 1977 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ronnie T. Coley, Act'g. Secretary	-Safety Specialist
John J. Kelly	-MPE Foreman, Plant Maintenance
Selig Weiner	-General Supv. Mail, GPO
Albert J. Martin	-Postal Oper. Spec., GPO
Joan Franklin	-Clerk, Fleet Operations
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Carmine J. Cappola	-Steward, GPO, Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
Herman V. Dixon	-Steward Br. 36 NALC-Hub Sta.
A. Gasby	-NY State Rep. Local 300, M.H.
H.R. Holmes	-Chief Steward - Local 300, M.H.
Peter J. Cotona	-Safety Specialist

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms station. Referred to Plant Maintenance for report at the next meeting. - UNRESOLVED

76-30 - Musical headsets for ZMT operators - Bids are being submitted for cost of installation and an estimate provided for the Postmaster's decision. - UNRESOLVED

76-33 - Unfavorable ambient temperature in ZMT area. Mr. Rosenblatt to confer with the Postmaster on design problem and report. - UNRESOLVED

(Over)

76-34 - Mr. Rosenblatt reported that he is waiting for a reply to his letter sent to the Manager, Engineering Branch, Notrheast Region for permission to use thin cork liners on the inside of the LSM panels which would reduce the noise level by about 35%. - UNRESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station. Progress report to be made at next meeting by Mr. Weiner. - UNRESOLVED

77-03 - Cornell Station

B. Vehicle entrance gate should roll, not swing open. Referred to Mr. Weiner for follow-up and report on cost involved. - UNRESOLVED

C. Needs separate employees entrance. Station to initate Form #7381. - UNRESOLVED

D. Rear entrance ramp to building could use notches or rubber mats for traction. Anti-slip material to be painted on by brush is on order. - UNRESOLVED

77-08 - Toilet bowl at Tremont Station not working and roof leaks (in main aisle). Letter submitted to Regional Office for permission to make repairs under contract due to lessors failure to make repairs after being duly notified. - UNRESOLVED

77-09 - Air-conditioner failure - Riverdale Station. Mr. Kaplan notified Safety that air-conditioner had been working intermittingly. However, it was working properly as of 6/2/77. - RESOLVED

77-10 - Hub Station - Roof leak. Mr. Weiner to investigate and report results to the Committee ~~for results~~. - UNRESOLVED

77-11 - Previous complaint (Item #76-26b), Poor upkeep and lack of maintenance of rolling equipment such as tubs, hampers etc. Referred to Plant Maintenance for follow-up and report. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room, GPO main building. Plant Maintenance is to follow-up and report. - UNRESOLVED

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items submitted for consideration:

77-13 - No hot water at Mott Haven Station. Boiler was repaired by contractor as of 7/1/77. - RESOLVED

77-14 - Replacement water cooler installed at Soundview Station by Bronx, GPO on 7/12/77. - RESOLVED

77-15 - Offensive odor in men's bathroom at Baychester Station. Broken urinal corrected 7/13/77, odor has subsided. - RESOLVED

77-16 - Inadequate swing room in Carrier section, GPO Annex #1. Referred to Mr. Weiner for investigation and report. - UNRESOLVED

77-17 - Insufficient light over carrier cases at Hub Station. Referred to Mr. Weiner for investigation and report. - UNRESOLVED

77-18 - Filthy relay and carrier bags. Mr. Weiner to investigate and report as to the feasibility of purchasing a cleaning machine. - UNRESOLVED

77-19 - Unsafe and filthy vehicles. Fleet Operations reported that we have received (19) new vehicles and expect to receive an addidional (81). This will greatly alleviate the maintenance problem. - RESOLVED

77-20 - Air conditioner failure at Fordham has been corrected as of 7/13/77. - RESOLVED

77-21 - Air conditioner failure at Morris Heights Station. Work is in progress by contractor. - UNRESOLVED

77-22 - Provisions should be made to supply fans to any station that has air conditioner failure. Plant Maintenance is to check supply of fans on hand and report.

77-23 - Drain grating on outside deck near column #9 has a hole and needs to be repaired. W/O submitted and repairs made. - RESOLVED

77-24 - Elevators #1 and #2 are not level with the floor which makes it difficult to push mail on and off elevators. W/O submitted 7/13/77. Plant Maintenance to report. - UNRESOLVED

77-25 - Exit door on the 2nd floor near column #15 is very difficult to open. Door examined on 7/13/77 by Safety Office and found to be in proper working order. - RESOLVED

The meeting was adjourned by Mr. Guzzi at 11:50 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE 7/27/77

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

THE ONE MAJOR WELFARE AND SAFE HEALTH problem we have at RIVERDALE STATION is THAT THE NEWLY-INSTALLED AIR-CONDITIONER IS NOT FUNCTIONING properly DUE TO A DEFECTIVE BUSHING. IT WAS INSPECTED TWICE AND DETERMINED THAT IT SHOULD BE REPLACED. IT HAS BEEN ABOUT (6) SIX WEEKS AND NO ACTION HAS AS YET BEEN TAKEN. WORK ORDERS AND REMINDERS HAVE BEEN SENT TO THE MAINTENANCE DIVISION AND NO ACTION!

PLEASE EXPEDITE THIS AS THE HUMIDITY IS EVER INCREASING.

Samuel Yasharoff
Steward's Signature

RIVERDALE STATION
5641 RIVERDALE AVENUE
Station BRONX, NEW YORK 10471

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

Safety

UNITED STATES POST OFFICE

OUR REF: FO:FC:brp. DATE: 7-29-77

SUBJECT: Fed Vehicle #740830 P.O.CL:

TO: Hon. Frank J. Viola
Postmaster
U.S. Postal Service
Bronx, New York 10451

In reference to breakdowns with vehicle #740830.

My records show that on July 11 1977, the following front-end work was done. King-pins and bushings were replaced and the right-front spring bracket was welded to the chassis, where it had ripped away, taking that part of the chassis with it.

July 18 1977, a front-end problem was reported at Baychester Station and vehicle was towed to garage. Mechanic D. Heyward, was assigned to check out front-end. He could not find anything wrong. He took it for a road test up the Major Deegan to Fordham Exit, at different speeds, and found that the vehicle held the road and did not shimmy or swerve.

July 20 1977, Carrier L. Kagel called in a breakdown, on the upper level of the northbound Bruckner Expwy, to say that he could not go another foot because the vehicle was swerving badly. The mechanic assigned to this breakdown, switched trucks with Carrier Kagel and drove truck #740830, with a full load, all the way to Baychester Station without incident.

July 21 1977, the vehicle was taken by mistake, because the truck report got mixed in with the completed truck reports for that morning. We still had an open job order for that day, (job order #06875.) The vehicle was due for a "C" inspection, so job order #06875 was closed out and marked "incomplete" and was written up for a "C" inspection on job order #06997.

In the "C" inspection, we found that the chassis had cracked, almost in the same spot as before. This would cause the vehicle to have a steering problem, when vehicle is heavily loaded. As of above date, vehicle has been repaired.

Please be advised that a shipment of new vehicles are being received at this facility. This vehicle will be given first consideration in being replaced.

cc: Fleet Manager
Safety Officer
Manager, Customer Services

Morris Benardo (Mo)
Morris Benardo
Acting Superintendent
Vehicle Maintenance
U.S. Postal Service
Bronx, New York 10451

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

MEMO #77-200

OUR REF: PJG:RLP:rc

June 17, 1977

SUBJECT: Labor/Management
Safety and Health Meeting

TO: All Managers
Station/Units

PLEASE POST

On April 26, 1977 at 10:45 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, NY 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Marion Williams	-Manager, Plant Maintenance
Dave Rosenblatt	-Ind. Engineering Coordinator
Earl L. Jackson	-Vehicle Operations Analyst
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
Herman Dixon	-Shop Steward Br. 36 NALC-Hub Sta.
A. Gasby	-NY State Rep. Local 300, M.H.

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS NEED DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station. Mr. Williams to report on Mr. Baccellieri's response at the next meeting. - UNRESOLVED

76-30 - Mr. Rosenblatt's report on study of musical headsets for ZIT operators found inconclusive. Mr. Perrin stated he would have the system studied and an estimate provided for the Postmaster's decision. - UNRESOLVED

76-33 - Mr. Rosenblatt to confer with the Postmaster on design problem connected with unfavorable ambient temperature in ZIT area and report. - UNRESOLVED

(over)

UNITED STATES POST OFFICE
BRONX, N.Y. 10451

OUR REF: E&LR:RSA:RP:rc DATE: May 7, 1979

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

D R A F T

On May 3, 1979 at 10:00 A.M. a Joint Labor-Management Safety and H ealth Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene F. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Marion Williams	-Manager, Plant Maintenance
Joseph Giordano	-President - Br. 36 NALC
Louis Wagner	-Steward - Br. 36 NALC(10465)
Alfred Colbert	-Steward - Br. 36 NALC (10451)
Stanley Kaplan	-Bronx Director, NYMPU-APWU
Al Gasby	-V.P. Local 300, M.H.
Henry R. Holmes	-Chief Steward - Local 300-MH

GUEST:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-34 - Acoustical material and inner liners to be installed on ZMT to reduce noise. Referred to Regional Safety for resolution. - RESOLVED

76-40 - Jerome Station - Poor lighting. Bids have been received and contract awarded for installation of case lights. Mr. Weiner to follow-up and report. - UNRESOLVED

77-03 - Cornell Station

C. Employee entrance gate to be installed. Request Procurement resubmit request to install gate, if gate is still necessary. May not be necessary due to installation of sliding gate at the vehicle entrance. Industrial Engineer to follow-up & report- UNRESOLVED

77-24 - Bids are out to correct floor level of elevators #1 and #2. Plant Maintenance to report on progress. - UNRESOLVED

78-01 - Cornell Station roof canopy is under contract as of 1/8/79. Industrial Engineer to follow-up and report. - UNRESOLVED

79-03 - Tremont Station - Petition submitted by Delegate of Tremont Station. Formal presentation of the Petition was postponed pending management's response to the complaints listed in the petition. Mr. Guzzi read a report from Mr. Nocito who investigated all items in the complaint. All items have been corrected or work is in progress to correct items listed. - RESOLVED

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items submitted for consideration:

79-04 - Westchester Station - Carrier Steward, Mr. Lou Wagner submitted at the meeting a list of health and safety items to be corrected at Westchester Station. Mr. Guzzi referred items to Mr. Leopold for follow-up and report. - RESOLVED

79-05 - Bronx GPO - Mr. Holmes reported that it was too dark in the men's lockerroom in the penthouse. Mr. Williams to investigate and report. - UNRESOLVED

79-06 - GPO Carrier Section - Carrier Steward, Mr. Colbert reported that lights in the carrier's lockerroom burn-out very quickly due to defective lamps. Work/Order to be submitted by supervisor. Referred to standard procedure for correcting. - RESOLVED

COMMENTS:

Mr. Williams stated that it was a problem with fork-lift operators hitting and breaking the mercury-vapor lights. Employees should report broken lights to supervisor immediately. Mr. Guzzi to issue letter to supervisors to report defective lights immediately to Plant Maintenance .

The meeting was adjourned by Mr. Guzzi at 11:15 A.M.

No specific date was set for the next meeting which will be determined and communicated to comittee members.

September 14,1977

Mr. Frank Viola
Postmaster
General Post Office
Bronx, N. Y. 10451

Dear Frank:

In a routine visit to the Baychester Station, I discovered that one urinal and one toilet bowl are completely out of commission and an additional two urinals are leaking and there is an odor that persists at the Baychester Station. This condition has been reported to your office before this writing and the answer given me was that the landlord would fix it. Since several months have passed and there have been no results, I would call it to your attention again.

An additional item. At the Williamsbridge Station, the drinking fountain located near the righthand door that exits to the loading platform, has not been operating for several months and the one remaining fountain is not functioning properly.

In addition to the abovelisted safety and health violations, I am also including a copy of a report submitted to me by the Shop Steward at Fremont Station. I feel certain that your good office will take whatever steps you deem necessary for corrective action.

Thanking you in advance for your anticipated cooperation, I remain

Sincerely,

Joseph S. Giordano
Executive Vice President

JSG:jcb
Encl.

December 2, 1977

Mr. Frank J. Viola
Postmaster
General Post Office
Bronx, N. Y. 10451

Dear Frank:

I sat in on a labor-management Safety & Health meeting last Wednesday, November 30th at which time we discussed many problems revolving around safe working-conditions.

A major consideration at this time is the fact that cockroaches and an occasional mouse is transported between GPO and the rest of the Bronx stations.

Three carrier stations have informed me that cockroaches have been found within their relay bags after having been sent from the Bronx GPO. I understand that the cockroach is the cleanest insect in the world and has been around for a long time and no doubt will remain long after we are all gone, but they are repulsive looking and demoralizing and I have been told by the carriers that they don't mind if they are around for one million years, but an effort should be made to control their spreading. The carriers have a dreadful fear of bringing them into their own homes and rightly so. However, I feel that it is a problem that can be dealt with and should be controlled.

At the meeting, I suggested that exterminators be assigned the task of searching them out wherever they may be and spray the areas. I was informed that I will have to make this recommendation through the proper channels and that is the reason for this communication.

I know that your good office will take the necessary steps to correct this unhealthy condition.

Thanking you in advance for your anticipated cooperation, I remain

Very truly yours,

Joseph S. Giordano
Executive Vice President

JSG:jcb

June 2, 1978

Mr. Ray Perry
Safety Officer
GPO
Bronx, 10451

Dear Ray;

The following is a list of items that I am submitting as an agenda for our June 7, 1978 meeting. but not limited to.

1. City Island - Broken toilet, mens and womens room
2. Tremont Station - Paper towels and toilet paper
3. Morris Heights - Air conditioning
4. Medical Facility at Bronx GPO

Regards.

Joseph S. Giordano
Executive Vice President

gc

76-34 - Mr. Rosenblatt reported that he is waiting for a reply to his letter sent to the Manager, Engineering Branch, Northeast Region for permission to use thin cork liners on the inside of the LSM panels which would reduce the noise level by about 35%. - UNRESOLVED

76-37 - Mr. Guzzi to appoint a committee to examine and distribute available sanitary napkins on hand. - RESOLVED

76-38 - Fire exit door at Throggs Neck Station installed as of 4/6/77. - RESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station is on contract. - UNRESOLVED

77-01 - Tremont Station - This item incorporated in item #77-08. - RESOLVED

77-02 - Mott Haven Station

A. Eye strain caused by small lettering on case labels corrected in follow-up by Mr. Dash. - RESOLVED

B. Mr. Perry was advised that "no heat until late Monday morning" problem was resolved by station. - RESOLVED

77-03 - Cornell Station

A. Committee concluded that the request to pave street portion of station driveway entrance was beyond the scope of the Post Office. - RESOLVED

B. Vehicle entrance gate should roll, not swing open. Referred to Mr. Weiner for follow-up and report on cost involved. - UNRESOLVED

C. Needs separate employees entrance. Station to initiate Form #7381. - UNRESOLVED

D. Rear entrance ramp to building could use notches or rubber mats for traction. Station to submit Form #7381. - UNRESOLVED

E. "No heat and water" of 1/17 through 1/19 referred to Mr. Weiner for follow-up and report. - RESOLVED

77-04 - Mr. DiMaggio reported condition of poor ventilation in the Vehicle Operations Office corrected on 2-15-77. - RESOLVED

77-05 - Question of improper lock on fire exit door at Hub Station followed-up. Mr. Perry reports door in question is not a fire exit. - RESOLVED

(over)

77-06 - Mr. DiMaggio checked gutters at Riverdale Station for proper pitch and reported same have been cleaned. - RESOLVED

77-07 - Emergency Heaters. Mr. Rosenblatt reported on alternative emergency heaters to replace the salamanders now in use. Such heaters are available at a cost of $400.00 to $800.00 each which was considered not feasable to purchase. Managers are to receive a directive advising them to inspect all heating units in the month of August according to procedures to be outlined by Mr. Williams. Corrections required will be made before the cold weather sets in. - RESOLVED

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items submitted for consideration:

77-08 - Toilet bowl at tremont Station not working and roof leaks (in main aisle). Letter submitted to Regional Office for permission to make repairs under contract due to lessors failure to make repairs after being duly notified. - UNRESOLVED

77-09 - Mr. Weiner had man working on air condition rela y circuit at Riverdale Station. Mr. Kaplan will notify Safety of results. - UNRESOLVED

77-10 - Hub Station Manager, Mr. White reported that work is in progress to repair roof. - UNRESOLVED

77-11 - Previous complaint (Item #76-26b), lack of maintenance and poor upkeep of rolling equipment as tubs, hampers etc. Referred to Mr. Guzzi and Mr. Williams. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room, main building GPO. Work/Order submitted by foreman 4-20-77. - UNRESOLVED

77-13 - Buckling floors and inadequate lighting over carrier cases at Fordham Station corrected during week of 4-6-77 - RESOLVED

The meeting was adjourned by Mr. Guzzi at 12:40 P.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

MEMO #77-200

8.11.77

Mo Haven - Hot water
S.V. - Water Cooler
Bay - mens room
Jungi - to Oso locker room

Saturday, July 23, 1977

NEW YORK LETTER CAARIERS,
BRANCH #36
255 WEST 43rd STREET
NEW YORK, NY 10036
ATTENTION: MR. JOSEPH GIORDANO, VICE-PRESIDENT

Dear Brother Giordano:

I write to you on this date with a grave situation which I feel affects all Bronx Letter Carriers - BAD VEHICLES. Enclosed are letters submitted to my immediate supervisor and sent to the Bronx Saftey Officer and Bronx Postmaster. After reading the enclosed letters it would be most appreciated if you would look into this matter on behalf of myself and for all Letter Carriers. I am most desireous of knowing what is being done to correct this situation. My address and telephone number at home appear below. I thank you for your anticipated cooperation and expediency in this most important matter.

Yours for all Letter Carriers,

Lewis H. Kagel

Brother Lewis H. Kagel
100-22 Asch Loop, #22-E
Bronx, NY 10475
212-671-5371

Thursday, July 21, 1977

Mr. Norman Hyman,
Supervisor - Delivery and Collections
Co-op City Station
1525 East Gunhill Road
Bronx, NY 10475

Dear Mr. Hyman:

The purpose of this letter is to request an investigation into an incident that occurred yesterday at the beginning of my tour. To ensure that this investigation does in fact take place and that corrective action is taken, copies of this letter are being sent to the Bronx Safety Officer and the Bronx Postmaster. It is not my intention to become melodramatic; but the incident could have had grave results.

On Wednesday, July 20, 1977 I picked up Postal Vehicle Number 740830 at 0500 hours at Bronx G. P. O. After checking this vehicle over I found it to be in working order and proceeded to Co-op City Station. During my route of travel the vehicle began to swerve and became increasingly more difficult to steer. Thinking that the problem was the result of what I call "Load Shift", I slowed my speed to 5 miles per hour. The problem did not cease to exist. On the upper level of the North bound Bruckner Expressway I stopped my vehicle in the right lane and put on the four-way flashers. After examination I found nothing wrong with this vehicle. I then went over to the New York City Police Telephone located on the center divider of the expressway. I gave my name, station, vehicle number, station telephone number and my location. I was then located on the other

level of the North Bound Bruckner Expressway at Longwood Avenue. Several Postal Employees were kind enough to stop and offer any assistance that I needed. The Police from the Highway #1 Division stopped and set up flares. About a half of an hour later the pick-up truck from the Gerard Avenue Garage arrived. He informed me that the steering was indeed defective. The mechanic wanted me to drive my vehicle with him following me to Co-op City Station. I suggested that he drive my vehicle while I followed him in his vehicle. My suggestion was used after clearing it with his dispatcher. The mechanic also informed me that my vehicle was towed to the Gerard Avenue Garage the day before - Tuesday, July 19, 1977 for defective steering. It is evident that these repairs were never completed. Why?

As you know, I had two (2) accidents this past year in which the left front wheel fell off. Both involved different vehicles. The first accident was in July of 1976 and the second in September of 1976. I was able to prevent a third such accident by stopping the vehicle. The fact remains that this should not have been necessary - The repairs should have been made. Such an accident could be fatal to myself or another Postal Employee. Possibly their is something wrong with our mechanics or our vehicles. Three times is a bit too much.

Respectfully submitted,

Mr. Lewis H. Kugel,
Co-op City Letter Carrier
Badge #20 - S.S. #094-42-3029

cc: BRONX DISTRICT OFFICER
BRONX POSTMASTER

Friday, July 22, 1977

Mr. Norman, Hyman,
Supervisor - Delivery and Collection
Co-op City Station
1525 East Gunhill Road
Bronx, NY 10475

Dear Mr. Hyman:

This letter is intended as an addition to my letter you recieved yesterday. The incident involving Postal Vehicle Number 740830 is re-occurring. Yesterday morning, Thursday, July 21, 1977 I reported to Bronx G. P. O. at 0500 hours as per my tour. I was once again assigned Postal Vehicle Number 740830. I checked this vehicle over, paying particular attention to the front end due to my incident the day before. I found the vehicle to be in operating order. I then proceeded to Co-op City Station. At the Grand Concourse and 140th Street the vehicle began to swerve as it had the previous day. I pulled over to the side of the road, put on the four-way flashers and called in a break-down. I was taken back to Bronx G. P. O. where my load was placed on another vehicle. With the new vehicle I proceeded to Co-op City Station without any additional incident. It now has become evident that the mechanics are not repairing our vehicles. Why? Not only is this a saftey hazzard, but it delays the mails. Please investigate.

Respectfully submitted,

Mr. Lewis H. Lapel,
Co-op City Letter Carrier,
Badge #20 - [illegible]

cc: BRONX SAFTEY OFFICER
BRONX POSTMASTER

Thursday, July 21, 1977

Bronx Postmaster
Mr. Frank J. Viola
Bronx G. P. O.
Bronx, NY 10451

Dear Mr. Viola:

Enclosed is a letter that I have submitted to my immediate Supervisor, Mr. Norman Hyman. The situation as it appears in my letter is a grave one. I would appreciate your intervention in this matter to see that the investigation is in fact made. A dangerous situation exists here and could result in a fatal accident if not corrected. I would appreciate knowing the outcome of this investigation. My home address and telephone number as well as the address and telephone number of my station appear below. Should you desire to meet with me in regard to this matter I will make myself available. I thank you for your anticipated cooperation and expediency in this most important matter.

Very truly yours,

home address: 100-22 Asch Loop, #22E
Bronx, NY 10475
home telephone: [redacted]
~~Station address:~~ Co-op City Station
1525 East Gunhill Road
Bronx, NY 10475
Station telephone: [redacted]

Mr. Lewis H. Kagel,
Letter Carrier,
Badge #20,
~~NB 209-42-[illegible]~~

cc: BRONX POSTAL SAFETY OFFICER
Mr. NORMAN HYMAN, SUPERVISOR, DELIVERY & COLLECTION, CO-OP CITY STATION

Thursday, July 21, 1977

United States Postal Service
Bronx Safety Officer
Bronx G. P. O.
Bronx, NY 10451

Dear Sir:

Enclosed is a letter that has been submitted to my immediate supervisor, Mr. Norman Hyman. The situation is of such grave importance that I felt it should be brought to your immediate attention. I would like to know the results of the investigation. My home address, telephone number, Station address and station telephone number appear below. I thank you for your anticipated cooperation and expediency in this important matter.

Very truly yours,

home address: 100-22 Asch Loop, Apt 8K, Lewis H. Engel,
Bronx, NY 10475 Letter Carrier,
home telephone: 212-671-5371 Badge #20,
S.S. 609-42-8029
station address: Co-op City Station
1525 East Gunhill Road
Bronx, NY 10475
station telephone: 212-379-3288

UNITED STATES POST OFFICE

OUR REF: E&LR:PC:RP:rc DATE: June 27, 1977

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO:

Mr. Joseph Giordano
Vice President
New York Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health Meeting has been scheduled for Tuesday, July 12, 1977 at 10:00 A.M. The meeting will be held in Room-204, General Post Office, Bronx, N.Y. 10451

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Friday, July 8, 1977.

RAY L. PERRY
Secretary

LITES OVER CASES AT JEROME
A/C AT MOTT HAVEN - [illegible] AND HOT WATER?
WATER COOLER AT S.V.

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: ELR:PJC:RP:gl DATE: June 30, 1977

SUBJECT: Revised Meeting Date P.O.CL:

TO:
Committee Member
Mr. Joseph Giordano, Vice President
Branch 36 - NALC
233 West 43rd Street
New York, N. Y. 10036

The Joint Labor/Management Safety and Health Meeting scheduled for Tuesday, July 12, 1977, as per your June 27, 1977 notice has been postponed by the Chairman.

The new date for the meeting has been set for Thursday, July 14, 1977 at 10:00AM in Room 204, General Post Office, Bronx, New York 10451.

Ray L. Perry
Committee Secretary

UNITED STATES POST OFFICE

OUR REF: E&LR:PC:RP:rc DATE: June 27, 1977

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
Vice President
New York Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health Meeting has been scheduled for Tuesday, July 12, 1977 at 10:00 A.M. The meeting will be held in Room-204, General Post Office, Bronx, N.Y. 10451

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Friday, July 8, 1977.

Ray Perry

RAY L. PERRY
Secretary

LITES OVER CASES AT JEROME
A/C AT MOTT HAVEN. [redacted] AND HOT WATER
WATER COOLER AT S.V.

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: ELR:PJC:RP:gl DATE: June 30, 1977

SUBJECT: Revised Meeting Date P.O.CL:

TO: Committee Member
Mr. Joseph Giordano, Vice President
Branch 36 - NALC
233 West 43rd Street
New York, N. Y. 10036

The Joint Labor/Management Safety and Health Meeting scheduled for Tuesday, July 12, 1977, as per your June 27, 1977 notice has been postponed by the Chairman.

The new date for the meeting has been set for Thursday, July 14, 1977 at 10:00AM in Room 204, General Post Office, Bronx, New York 10451.

Ray L. Perry
Committee Secretary

July 7, 1977

Mr. Ray L. Perry
Safety & Health Officer
Bronx GPO
Bronx, New York 10451

Dear Ray:

In response to your letter dated June 27, 1977 notifying me of the scheduled Safety & Health meeting for July 14, 1977, I am submitting the following agenda, but not limited to:

1. No hot water at Mott Haven. No Air-Con
2. Insufficient light over carrier cases at Jerome.*
3. Replacement water cooler at Souddview.*
4. Offensive odor in men's bathroom at Baychester.
5. Inadequate swing room in Bronx GPO.
6. Repair roof at HUB. Rain comes in.
7. Insufficient light over carrier cases at HUB.
8. Filthy carrier and relay bags.
9. Filthy trucks.
10. Unsafe vehicles.
11. Air-conditioner failure in Morris Heights? - Roach + RAT infested
12. Air-conditioner failure in Fordham Station.

* Although these problems were discussed before, my office is still receiving complaints that they have not been resolved.

To make provisions to supply fans as expeditiously as possible to any station that has air conditioner failure.

Sincerely,

7707 ~~13. check All heating Equip For plates~~
~~14. Revedate NO Air Con~~

Joseph S. Giordano
Executive Vice President

JSG:rh

NATIONAL POST OFFICE MAIL HANDLERS,
WATCHMEN, MESSENGERS AND GROUP LEADERS
DIVISION OF LIUNA, AFL-CIO
AMALGAMATED LOCAL NO. 300

July 11, 1977

TO: Mr. Ray L. Perry, Secretary

Safety and Health

Item I: Grating on outside deck near column number 9 has a hole and mailhandlers that work this area has tripped on this hole several times.

Item II: Elevator numbers 1 and 2 are not level with the floor. Therefore, it is difficult to push mail on and off these elevators.

Item III: The exit door on the 2nd floor near column number 15 is in need of immediate repair. This is an exit door and it is very difficult to open, in fact some of the female employees can not open it.

A. Gasby

Albert Gasby,
Adm. Vice President

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

MEMO #77-200

OUR REF: PJC:RLP:rc

June 17, 1977

SUBJECT: Labor/Management
Safety and Health Meeting

TO: All Managers
Station/Units

PLEASE POST

On April 26, 1977 at 10:45 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, NY 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Marion Williams	-Manager, Plant Maintenance
Dave Rosenblatt	-Ind. Engineering Coordinator
Earl L. Jackson	-Vehicle Operations Analyst
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
Herman Dixon	-Shop Steward Br. 36 NALC-Hub Sta.
A. Gasby	-NY State Rep. Local 300, M.H.

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS NEED DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station. Mr. Williams to report on Mr. Baccellieri's response at the next meeting. - UNRESOLVED

76-30 - Mr. Rosenblatt's report on study of musical headsets for ZIP operators found inconclusive. Mr. Perrin stated he would have the system studied and an estimate provided for the Postmaster's decision. - UNRESOLVED

76-33 - Mr. Rosenblatt to confer with the Postmaster on design problem connected with unfavorable ambient temperature in ZIP area and report. - UNRESOLVED

(over)

76-34 - Mr. Rosenblatt reported that he is waiting for a reply to his letter sent to the Manager, Engineering Branch, Northeast Region for permission to use thin cork liners on the inside of the LSM panels which would reduce the noise level by about 35%. - UNRESOLVED

76-37 - Mr. Guzzi to appoint a committee to examine and distribute available sanitary napkins on hand. - RESOLVED ✓

76-38 - Fire exit door at Throggs Neck Station installed as of 4/6/77. - RESOLVED ✓

76-40 - Poor lighting over carrier cases at Jerome Station is on contract. - UNRESOLVED CASE Light.

77-01 - Tremont Station - This item incorporated in item #77-08. - RESOLVED ✓

77-02 - Mott Haven Station

A. Eye strain caused by small lettering on case labels corrected in follow-up by Mr. Dash. - RESOLVED ✓

B. Mr. Perry was advised that "no heat until late Monday morning" problem was resolved by station. - RESOLVED ✓

77-03 - Cornell Station

A. Committee concluded that the request to pave street portion of station driveway entrance was beyond the scope of the Post Office. - RESOLVED ✓

B. Vehicle entrance gate should roll, not swing open. Referred to Mr. Weiner for follow-up and report on cost involved. - UNRESOLVED

C. Needs separate employees entrance. Station to initiate Form #7381. - UNRESOLVED

D. Rear entrance ramp to building could use notches or rubber mats for traction. Station to submit Form #7381. - UNRESOLVED

E. "No heat and water" of 1/17 through 1/19 referred to Mr. Weiner for follow-up and report. - RESOLVED ✓

77-04 - Mr. DiMaggio reported condition of poor ventilation in the Vehicle Operations Office corrected on 2-15-77. - RESOLVED ✓

77-05 - Question of improper lock on fire exit door at Hub Station followed-up. Mr. Perry reports door in question is not a fire exit. - RESOLVED ✓

(over)

77-06 - Mr. DiMaggio checked gutters at Riverdale Station for proper pitch and reported same have been cleaned. - RESOLVED ✓

77-07 - Emergency Heaters. Mr. Rosenblatt reported on alternative emergency heaters to replace the salamanders now in use. Such heaters are available at a cost of $400.00 to $800.00 each which was considered not feasable to purchase. Managers are to receive a directive advising them to inspect all heating units in the month of August according to procedures to be outlined by Mr. Williams. Corrections required will be made before the cold weather sets in. - RESOLVED - will Check All.

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items s ubmitted for consideration:

77-08 - Toilet bowl at tremont Station not working and roof leaks (in main aisle). Letter submitted to Regional Office for permission to make repairs under contract due to lessors failure to make repairs after being duly notified. - UNRESOLVED

77-09 - Mr. Weiner had man working on air condition rela y circuit at Riverdale Station. Mr. Kaplan will notify Safety of results. - UNRESOLVED

77-10 - Hub Station Manager, Mr. White reported that work is in progress to repair roof. - UNRESOLVED

77-11 - Previous complaint (Item #76-26b), lack of maintenance and poor upkeep of rolling equipment as tubs, hampers etc. Referred to Mr. Guzzi and Mr. Williams. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room, main building GPO. Work/Order submitted by foreman 4-20-77. - UNRESOLVED

77-13 - Buckling floors and inadequate lighting over carrier cases at Fordham Station corrected during week of 4-6-77 - RESOLVED

The meeting was adjourned by Mr. Guzzi at 12:40 P.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

MEMO #77-200

UNITED STATES POST OFFICE

OUR REF: ELR:PJC: RP:rc

DATE: August 3, 1977

SUBJECT: Revised Meeting Date

P.O.CL:

TO: Committee Member

Mr. Joseph Giordano
V.P. Branch 36 - NALC
233 West 43rd Street
New York, N.Y. 10036

Please be advised that the Joint Labor/Management Safety and Health Meeting scheduled for July 12, 1977 and was postponed has been set for Thursday, August 11, 1977 at 10:00 A.M in Room 204, General Post Office, Bronx, New York 10451.

Looking forward to seeing you at the meeting.

RAY L. PERRY
Secretary

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

MEMO 77-297

Sept. 21, 1977

OUR REF: PJC:RLP:RC:dj

SUBJECT: Labor/Management
Safety and Health Meeting

TO: All Managers
Station/Units

PLEASE POST

On August 11, 1977 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ronnie T. Coley, Act'g Secretary	-Safety Specialist
John J. Kelly	-MPE Foreman, Plant Maintenance
Selig Weiner	-General Supv. Mail, GPO
Albert J. Martin	-Postal Oper. Spec., GPO
Joan Franklin	-Clerk, Fleet Operations
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Carmine J. Cappola	-Steward, GPO, Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
Herman V. Dixon	-Steward Br. 36 NALC-Hub Sta.
A. Gasby	-NY State Rep. Local 300, M.H.
H.R. Holmes	-Chief Steward - Local 300, M.H.
Peter J. Cotona	-Safety Specialist

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms station. Referred to Plant Maintenance for report at the next meeting. - UNRESOLVED

76-30 - Musical headsets for ZIT operators - Bids are being submitted for cost of installation and an estimate provided for the Postmaster's decision. - UNRESOLVED

76-33 - Unfavorable ambient temperature in ZIT area. Mr. Rosenblatt to confer with the Postmaster on design problem and report. - UNRESOLVED

(over)

76-34 - Mr. Rosenblatt reported that he is waiting for a reply to his letter sent to the Manager, Engineering Branch, Northeast Region for permission to use thin cork liners on the inside of the LSH panels which would reduce the noise level by about 35%. - UNRESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station. Progress report to be made at next meeting by Mr. Weiner. - UNRESOLVED

77-03 - Cornell Station

B. Vehicle entrance gate should roll, not swing open. Referred to Mr. Weiner for follow-up and report on cost involved. - UNRESOLVED

C. Needs separate employees entrance. Station to initiate Form #7381. - UNRESOLVED

D. Rear entrance ramp to building could use notches or rubber mats for traction. Anti-slip material to be painted on by brush is on order. - UNRESOLVED

77-08 - Toilet bowl at Tremont Station not working and roof leaks (in main Aisle). Letter submitted to Regional Office for permission to make repairs under contract due to lessor failure to make repairs after being duly notified. - UNRESOLVED

77-09 - Air-Conditioner failure - Riverdale Station. Mr. Kaplan notified Safety that air-conditioner had been working intermittingly. However, it was working properly as of 6/2/77, - RESOLVED

77-10 - Hub Station - Roof Leak. Mr. Weiner to investigate and report results to the Committee. - UNRESOLVED

77-11 - Previous complaint (Item #76-26b), poor upkeep and lack of maintenance of rolling equipment such as tubs, hampers etc. Referred to Plant Maintenance for follow-up and report. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room, GPO main building. Plant Maintenance is to follow-up and report. - UNRESOLVED

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items submitted for consideration:

(over)

77-13 - No hot water at Mott Haven Station. Boiler was repaired by contractor as of 7/1/77. - RESOLVED

77-14 - Replacement water cooler installed at Soundview Station by Bronx, GPO on 7/12/77. - RESOLVED

77-15 - Offensive odor in men's bathroom at Baychester Station. Broken urinal corrected 7/13/77, odor has subsided. - RESOLVED

77-16 - Inadequate swing room in Carrier section, GPO Annex #1. Referred to Mr. Weiner for investigation and report. - UNRESOLVED

77-17 - Insufficient light over carrier cases at Hub Station. Referred to Mr. Weiner for investigation and report. - UNRESOLVED

77-18 - Filthy relay and carrier bags. Mr. Weiner to investigate and report as to the feasibility of purchasing a cleaning machine. - UNRESOLVED

77-19 - Unsafe and filthy vehicles. Fleet Operations reported that we have received (19) new vehicles and expect to receive an additional (81). This will greatly alleviate the maintenance problem. - RESOLVED

77-20 - Air conditioner failure at Fordham has been corrected as of 7/13/77. - RESOLVED

77-21 - Air conditioner failure at Morris Heights Station. Work is in progress by contractor. - UNRESOLVED

77-22 - Provisions should be made to supply fans to any station that has air conditioner failure. Plant Maintenance is to check supply of fans on hand and report.

77-23 - Drain grating on outside deck near column #9 has a hole and needs to be repaired. W/O submitted and repairs made. - RESOLVED

77-24 - Elevators #1 and #2 are not level with the floor which makes it difficult to push mail on and off elevators. W/O submitted 7/13/77. Plant Maintenance to report. - UNRESOLVED

77-25 - Exit door on the 2nd floor near column #15 is very difficult to open. Door examined on 7/13/77 by Safety Office and found to be in proper working order. - RESOLVED

The meeting was adjourned by Mr. Guzzi at 11:50 A.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

MEMO 77-297

Send letter to PM about roaches + mice

U.S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.

TO:

1 Safety Labor/Management Member

2

3 MR. J. GIORDANO

4

5

- ☐ APPROVAL
- ☐ SIGNATURE
- ☐ COMMENT
- ☐ SEE ME
- ☐ AS REQUESTED
- ☐ INFORMATION
- ☐ READ AND RETURN
- ☐ READ AND FILE
- ☐ NECESSARY ACTION
- ☐ INVESTIGATE
- ☐ RECOMMENDATION
- ☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer
Bronx, N.Y. 10451

EXTENSION

ROOM NO.

DATE 5/31/77

REMARKS:

Attached find a draft of the minutes to the Safety & Health Labor/Management Meeting of April 26, 1977.

If the Safety Office is not notified of any corrections by Friday, June 17, 1977, it will be assumed that the draft is acceptable.

July 12, 1977, 10:00 A.M. is the tentative date for our next meeting.

PS Form 13
Dec. 1970

(Additional Remarks on Reverse)

☆U.S. GOVERNMENT PRINTING OFFICE: 1975—652-820

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UNITED STATES POST OFFICE

OUR REF: PJC:RLP:rc DATE: April 26, 1977

SUBJECT: Labor/Management
Safety and Health Meeting P.O.CL:

TO: All Managers
Station/Units

On April 26, 1977 at 10:45 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, N.Y. 10451.

IN ATTENDANCE:

Eugene L. Guzzi, Chairman	-Manager, Mail Processing
Ray L. Perry, Secretary	-Safety Officer
Marion Williams	-Manager, Plant Maintenance
Dave Rosenblatt	-Ind. Engineering Coordinator
Earl L. Jackson	-Vehicle Operations Analyst
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
Herman Dixon	-Shop Steward Br. 36 NALC-Hub Sta.
A. Gasby	-NY State Rep. Local 300, M.H.

GUESTS:

Following the reading of the minutes which were adopted as read, Mr. Guzzi, Chairman, entertained discussion and action on the following:

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station. Mr. Williams to report on Mr. Baccellieri's response at the next meeting. - UNRESOLVED

76-30 - Mr. Rosenblatt's report on study of musical headsets for ZMT operators found inconclusive. Mr. Perrin stated he would have the system studied and an estimate provided for the Postmaster's decision. - UNRESOLVED

76-33 - Mr. Rosenblatt to confer with the Postmaster on design problem connected with unfavorable ambient temperature in ZMT area and report. - UNRESOLVED

(over)

76-34 - Mr. Rosenblatt reported that he is wating for a reply to his letter sent to the Manager, Engineering Branch, Northeast Region for permission to use thin cork liners on the inside of the LSM panels which would reduce the noise level by about 35%. - UNRESOLVED

76-37 - Mr. Guzzi to appoint a committee to examine and distribute available sanitary napkins on hand. - RESOLVED

76-38 - Fire exit door at Throggs Neck Station installed as of 4-5-77. -RESOLVED

76-40 - Poor lighting over carrier cases at Jerome Station is on contract. - UNRESOLVED

77-01 - Tremont Station - This item incorporated in item #77-08. - RESOLVED

77-02 - Mott Haven Station

A. Eye strain caused by small lettering on case labels corrected in follow-up by Mr. Dash. - RESOLVED

B. Mr. Perry was advised that "no heat until late Monday morning" problem was resolved by station. - RESOLVED

77-03 - Cornell Station

A. Committee concluded that the request to pave street portion of station driveway entrance was beyond the scope of the Post Office. - RESOLVED

B. Vehicle entrance gate should roll, not swing open. Referred to Mr. Weiner for follow-up and report on cost involved. - UNRESOLVED

C. Needs separate employees entrance. Station to initiate Form #7381. - UNRESOLVED

D. Rear entrance ramp to building could use notches or rubber mats for traction. Station to submit Form #7381. - UNRESOLVED

E. "No heat and water" of 1/17 through 1/19 referred to Mr. Weiner for follow-up and report. - RESOLVED

77-04 - Mr. DiMaggio reported condition of poor ventilation in the Vehicle Operations Office corrected on 2-15-77. - RESOLVED

77-05 - Question of improper lock on fire exit door at Hub Station followed-up. Mr. Perry reports door in question is not a fire exit. - RESOLVED

77-06 - Mr. DiMaggio checked gutters at Riverdale Station for proper pitch and reported same have been cleaned. - RESOLVED

(over)

77-07 - Emergency Heaters. Mr. Rosenblatt reported on alternative emergency heaters to replace the salamanders now in use. Such heaters are available at a cost of $400.00 to $800.00 each which was considered not feasable to purchase. Managers are to receive a directive advising them to inspect all heating units in the month of August according to procedures to be outlined by Mr. Williams. Corrections required will be made before the cold weather sets in. - RESOLVED

NEW AGENDA ITEMS

Mr. Guzzi - Chairman - entertained discussion on the following new items submitted for consideration:

77-08 - Toilet bowl at Tremont Station not working and roof leaks (in main isle). Letter submitted to Regional Office for permission to make repairs under contract due to lessors failure to make repairs after being duly notified. - UNRESOLVED

77-09 - Mr. Weiner had man working on air condition relay circuit at Riverdale Station. Mr. Kaplan will notify Safety of results. - UNRESOLVED

77-10 - Hub Station Manager, Mr. White reported that work is in progress to repair roof. - UNRESOLVED

77-11 - Previous complaint (Item #76-26b), lack of maintenance and poor upkeep of rolling equipment as re tubs, hampers etc. Referred to Mr. Guzzi and Mr. Williams. - UNRESOLVED

77-12 - Broken floor at rear entrance door of swing room, main building GPO. Work/Order submitted by foreman 4-20-77. - UNRESOLVED

77-13 - Buckling floors and inadequate lighting over carrier cases at Fordham Station corrected during week of 4-6-77. - RESOLVED

The meeting was adjourned by Mr. Guzzi at 12:40 P.M.

No specific date was set for the next meeting which will be determined and communicated to committee members.

June 7, 1977

Mr. Ray Perry,
Safety Officer
Bronx G.P.O.
Bronx, New York 10451

I am in receipt of the draft of the Minutes of the Safety & Health Labor/Management Meeting held on April 26, 1977. In reference to same, I find that, at this point, they are as correct as possible and I would offer no changes.

Please notify my office of the date of the next meeting.

Regards,

Joseph S. Giordano
Executive Vice President

JSG:cdt

UNITED STATES POST OFFICE

OUR REF: E&LR:PC:RP:rc DATE: April 4, 1977

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
Vice President
New York Letter Carriers Br. 36
233 West 43rd Street
New York, N.Y. 10036

A Joint Labor/Management Safety and Health meeting has been scheduled for Tuesday, April 26, 1977 at 10:00 A.M. The meeting will be held in Room-204, General Post Office, Bronx, N.Y. 10451.

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Monday, April 18, 1977.

RAY L. PERRY
Secretary

MEMO #77-55

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

MAR. 7, 1977

OUR REF: PJC:RLP:rc

SUBJECT: Labor/Management
Safety and Health Meeting

TO: All Managers

PLEASE POST

On January 27, 1977 at 10:00 A.M. a Joint Labor-Management Safety and health meeting was held at the General Post Office, Bronx, New York 10451.

IN ATTENDANCE:

William Leopold, Acting Chairman	-Manager, Stations and Branches
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Frank Costanza	-Manager, Fleet Operations
Louis DiMaggio	-Actg. Manager, Plant Maintenance
Selig Weiner	-Quality Control Analyst
Dave Rosenblatt	-Ind. Engineering Coordinator
Joseph Giordano	-Vice Pres. - Branch 36 NALC
Samuel Perin	-Vice Pres. - NYMPU - APWU
A. Gasby	-NY State Rep. Local 300, M.H.

GUESTS:

H. Dixon	-Shop Steward Br. 36 NALC-Hub Sta.
R. Moe	-Vice Pres. - Local 300, M.H.

Following the reading of the minutes which were adopted as read, Mr.Leopold, Acting Chairman in the absence of Mr. Guzzi, entertained discussion and the committee tabled further action on the subject "What constitute regular committee menbers".

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-16 - Heat plant and exposed wiring at Highbridge Station corrected 10/7/76 by Plant Maintenance. - RESOLVED

76-22 - Repair to old exhaust system at GPO inside platform corrected by Plant Maintenance. - RESOLVED

76-26b Mr. DiMaggio reported that the Maintenance Unit is now properly maintaining and oiling rolling equipment. - RESOLVED

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station to be followed-up by Mr. DiMaggio or Plant Maintenance. - UNRESOLVED

(over)

76-30 - Request musical headsets be installed for ZMT-LSM operators. Mr. Rosenblatt to further study and report on cost and availability of funds to finance purchase and installation of equipment. - UNRESOLVED

76-31 - Backs on Console chairs have been adjusted. Corrected on 10/12/76 Work Order #1319. - RESOLVED

76-32 - Maintenance Mechanics and Technicians will clean ZMT-LSM area and outside consoles. - RESOLVED

76-33 - Ambient temperature in ZMT-Mark IV area. High degree of heat generated by machines. Summer - Turn up A/C to reduce temperature. Winter - Increase ventilation around ZMT-LSM area to offset absence of skylight and two blowers. Referred to Mr. Leopold for further discussion with Mr. Viola and report. - UNRESLOVED

76-34 - Install acoustical material to interior of ZMT panelling to deaden sound and line area of inner consoles with heavy duty carpeting to further reduce noise. Mr. Rosenblatt reported that a corking material is being tested to determine the feasibility of its use to deaden sound. Asbestos material can not be used for this purpose. Further study and report will be made by Mr. Rosenblatt. - UNRESOLVED

76-35 - Holes in floor under console operators chairs and general working area corrected 10/14/76 by Plant Maintenance. - RESOLVED

76-36 - Lighting in ZMT-LSM area was tested and found to be adequate. Glare was reduced by adjusting console lights. It is not feasible to change the ceiling paint color at this time. Reported by Mr. Perry, Safety Office. - RESOLVED

76-37 - Women's Health - No sanitary napkins available for use. Should be the responsibility of U.S.P.S. to supply as it relates to a health factor. Mr. Weiner to report on possibility of contract with West Chemical Co. - UNRESOLVED

76-38 - Install fire exit door at Throggs Neck Station that will exit either into the lobby or into the street in case of fire in the center of the station. Mr. Weiner reported that contract bids are being accepted for installation of door. Mr. Weiner will give a progress report. - UNRESOLVED

76-39 - Water leak in the north east wall at Gerard Avenue Garage which can create a dangerous situation when electrical equipment is being used. The outside ground level is higher than the garage floor which causes a seepage during heavy rainfall. Work Order by Mr. Hogan was followed-up by Mr. Williams. - RESOLVED

76-40 - Mr. Weiner to follow-up and report on poor lighting over carrier cases at Jerome Station. - UNRESOLVED

(over)

76-41 - Leaking urinals and toilet bowls at Soundview Station have been repaired. Soap and papaer towels are in supply at all stations. - RESOLVED

76-44 - Continuing practice at Mott Haven Station of unloading tubs was investigated by Safety Office. Proper method is now being complied with. - RESOLVED

76-45 - Mr. DiMaggio reported that the Maintenance Unit has reserve letter carrier carts available. - RESOLVED

76-46 - Redistribution of General Order No. 225 by Delivery & Collection has achieved improved station response in returning damaged relay boxes. - RESOLVED

NEW AGENDA ITEMS

Mr. Leopold - Acting Chairman - entertained discussion on the following new items submitted for consideration:

77-01 - Tremont Station

A. Toilet bowl not working - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

B. Four locks to facilities not working - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

C. Paper towel shortage - Refer to Mr. M. Schweid, Office Services for follow-up and report. - UNRESOLVED

D. Improper lighting - Mr. Williams and Mr. DiMaggio to determine if wiring can be changed to copper wiring, etc. - UNRESOLVED

77-02 - Mott Haven Station

A. Small Lettering on case labels (new 6th row), makes for eye strain. Refer to Mr. Dash for follow-up. - UNRESOLVED

B. No heat at station until late Monday morning - Mr. Perry to follow-up and report. - UNRESOLVED

C. Security guards needed on day of pension and Social Security checks. Guards needed in all South Bronx stations on that date. This request was considered to be beyond the scope of this committee. - RESOLVED

77-03 - Cornell Station

A. Driveway located at vehicle entrance needs paving - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

(over)

B. Gate should roll, not swing open - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

C. Needs separate employee's entrance at gate - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

D. Entrance ramp to building could use notches or rubber mats for traction - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

E. No heat and water on 1/17 through 1/19, 1977 - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

77-04 - Annex 1 - Poor ventilation in the Vehicle Operations Office - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

77-05 - Improper lock on fire exit door at Hub Station - Mr. Perry to follow-up and report. - UNRESOLVED

77-06 - Leaders and gutters at Riverdale Station are clogged with ice and snow - Mr. DiMaggio to check gutters for proper pitch and report. - UNRESOLVED

77-07 - Emergency heaters - Mr. Rosenblatt to study and report on the possibility of acquiring Alternative emergency heaters to replace the salamanders now in use. - UNRESOLVED

The meeting was adjourned by Mr. Leopold at 12:15 P.M.

No specific date was set for the next meeting which will be determined after corresponding with committee members.

U.S. POSTAL SERVICE
ROUTING SLIP

DEPT., OFFICE OR ROOM NO.

TO:

1 Safety Labor/Management Member

2

3 Mr. Giordano

4

5

- ☐ APPROVAL
- ☐ SIGNATURE
- ☐ COMMENT
- ☐ SEE ME
- ☐ AS REQUESTED
- ☐ INFORMATION
- ☐ READ AND RETURN
- ☐ READ AND FILE
- ☐ NECESSARY ACTION
- ☐ INVESTIGATE
- ☐ RECOMMENDATION
- ☐ PREPARE REPLY

FROM: Mr. Ray Perry
Safety Officer
Bronx, N.Y. 10451

DATE 2/10/77

EXTENSION MO.5-2800
Ext. 256

ROOM NO.

REMARKS:

Attached find a draft of the minutes to the Safety & Health Labor/Management Meeting of January 27, 1977.

If the Safety Office is not notified of any corrections by Friday, February 25, 1977, it will be assumed that the draft is acceptable.

Please circle date below most convenient for our next meeting and return to the Safety Office:

4/26/77 (Tue) 4/27/77 (Wed) 4/28/77 (Thur)

PS Form 13
Dec. 1970

(Additional Remarks on Reverse)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1974-651-071

UNITED STATES POST OFFICE
BRONX, NEW YORK 10451

OUR REF: PC:RLP:rc DATE: January 27, 1977

SUBJECT: Labor/Management
Safety and Health Meeting P.O.CL:

TO: All Managers

On January 27, 1977 at 10:00 A.M. a Joint Labor-Management Safety and Health Meeting was held at the General Post Office, Bronx, New York 10451.

IN ATTENDANCE:

William Leopold, Acting Chairman	-Manager, Stations and Branches
Ray L. Perry, Secretary	-Safety Officer
Ronnie T. Coley	-Safety Specialist
Frank Costanza	-Manager, Fleet Operations
Louis DiMaggio	-Acting Manager, Plant Maintenance
Selig Weiner	-Quality Control Analyst
Dave Rosenblatt	-Industrial Engineering Coordinator
Joseph Giordano	-Vice President - Branch 36 NALC
Samuel Perin	-Vice President - NYMPU - APWU
A. Gasby	-NY State Rep. Local 300, M.H.

GUESTS:

H. Dixon	-Shop Steward Branch 36 NALC - Hub Sta.
R. Moe	-Vice President - Local 300, M.H.

Following the reading of the minutes which were adopted as read, Mr. Leopold, Acting Chairman in absence of Mr. Guzzi, entertained discussion and the committee tabled further action on the subject "what constitute regular committee members".

OLD AGENDA ITEMS WERE DISCUSSED AS FOLLOWS:

76-16 - Heat plant and exposed wiring at Highbridge Station corrected 10/7/76 by Plant Maintenance. - RESOLVED

76-22 - Repair to old exhaust system at GPO inside platform corrected by Plant Maintenance. - RESOLVED

(over)

76-26b - Mr. DiMaggio reported that the Maintenance Unit is now properly maintaining and oiling rolling equipment. - RESOLVED

76-28 - Excessive draft through louvers of the air conditioner at West Farms Station to be followed-up by Mr. DiMaggio or Plant Maintenance. - UNRESOLVED

76-30 - Request Musical headsets be installed for ZMT-LSM operators. Mr. Rosenblatt to further study and report on cost and availability of funds to finance purchase and installation of equipment. - UNRESOLVED

76-31 - Backs on Console chairs have been adjusted. Corrected on 10/12/76 Work Order #1319. - RESOLVED

76-32 - Maintenance Mechanics and Technicians will clean ZMT-LSM area and outside consoles . - RESOLVED

76-33 - Ambient temperature in ZMT-Mark IV area. High degree of heat generated by machines. Summer - Turn up A/C to reduce temperature. Winter - Increase ventilation around ZMT-LSM area to offset absence of skylight and two blowers. Referred to Mr. Leopold for further discussion with Mr. Viola and report - UNRESOLVED

76-34 - Install acoustical material to interior of ZMT paneling to deaden sound and line area of inner consoles with heavy duty carpeting to further reduce noise. Mr. Rosenblatt reported that a corking material is being tested to determine the feasibility of its use to deaden sound. Abestos material can not be used for this purpose. Further/report will be made by Mr. Rosenblatt. - UNRESLOVED

76-35 - Holes in floor under console operators chairs and general working area were corrected 10/14/76 by Plant Maintenance. - RESOLVED

76-36 - Lighting in ZMT-LSM area was tested and found to be adequate. Glare was reduced by adjusting console lights. It is not feasible to change the ceiling paint/color at this time. Reported by Mr. Perry, Safety Office. - RESOLVED

76-37 - Women's Health - No sanitary napkins available for use. Should be the responsibility of U.S.P.S. to supply as it relates to a health factor. Mr. Weiner to report on possibility of contract with West Chemical Co. - UNRESOLVED

76-38 - Install fire exit door at Throggs Neck Station that will exit either into the lobby or into the street in case of fire in the center of the station. Mr. Weiner reported that contract bids are being accepted for installation of door. Mr. Weiner will give a progress report. - UNRESOLVED

76-39 - Water leak in the north east wall at Gerard Avenue Garage which can create a dangerous situation when electrical equipment is being used. The outside ground level is higher than the garage floor which causes a seepage during heavy rainfall. Work Order by Mr. Hogan was followed-up by Mr. Williams. - RESOLVED

76-40 - Mr. Weiner to follow-up and report on poor lighting over carrier cases at Jerome Station. - UNRESOLVED

76-41 - Leaking urinals and toilet bowls at Soundview Station have been repaired. Soap and paper towels are in supply at all stations. - RESOLVED

(Over)

76-44 - Continuing practice at Mott Haven Station of unloading tubs was investigated by Safety Office. Proper method is now being complied with. - RESOLVED

76-45 - Mr. DiMaggio reported that the Maintenance Unit has reserve letter carrier carts available. - RESOLVED

76-46 - Redistribution of General Order No. 225 by Delivery & Collection has achieved improved station response in returning damaged relay boxes. - RESOLVED

NEW AGENDA ITEMS

Mr. Leopold - Acting Chairman - entertained discussion on the following new items submitted for consideration:

77-01 - Tremont Station

A. Toilet bowl not working - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

B. Four locks to facilities not working - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

C. Paper towel shortage - Refer to Mr. M. Schweid, Office Services for follow-up and report. - UNRESOLVED

D. Improper lighting - Mr. Williams and Mr. DiMaggio to determine if wiring can be changed to copper wiring, etc. - UNRESOLVED

77-02 - Mott Haven Station

A. Small lettering on case labels (new 6th row), makes for eye strain. Refer to Mr. Dash for follow-up. - UNRESOLVED

B. No heat at station until late Monday morning - Mr. Perry to follow-up and report. - UNRESOLVED

C. Security guards needed on day of pension and Social Security checks. Guards needed in all South Bronx stations on that date. This request was considered to be beyond the scope of this committee. - RESOLVED

77-03 - Cornell Station

A. Driveway located at vehicle entrance needs paving - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

B. Gate should roll, not swing open - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

C. Needs separate employee's entrance at gate - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

D. Entrance ramp to building could use notches or rubber mats for traction - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

E. No heat and water on 1/17 through 1/19, 1977 - Refer to Mr. Weiner for follow-up and report. - UNRESOLVED

77-04 - Annex-1 - Poor ventilation in the Vehicle Operations Office - Refer to Mr. Williams for follow-up and report. - UNRESOLVED

77-05 - Improper lock on fire exit door at Hub station - Mr. Perry to follow-up and report. - UNRESOLVED

77-06 - Leaders and gutters at Riverdale station are clogged with ice and snow - Mr. DiMaggio to check gutters for proper pitch and report. - UNRESOLVED

77-07 - Emergency heaters - Mr. Rosenblatt to study and report on the possibility of acquiring Alternative emergency heaters to replace the salamanders now in use - UNRESOLVED

The meeting was adjourned by Mr. Leopold at 12:15 P.M.

No specific date was set for the next meeting which will be determined after corresponing with committee members.

UNITED STATES POST OFFICE

OUR REF: E&LR:PC:RP:dj DATE: January 11, 1977

SUBJECT: Labor/Management Safety and Health Meeting P.O.CL:

TO: Mr. Joseph Giordano
Vice President
New York Letter Carriers Br. 36
233 West 43rd Street
New York, New York 10036

A Joint Labor/Management Safety and Health meeting has been scheduled for Thursday, Jan. 27, 1977 at 10 A.M. It will be held in Room 204, General Post Office, Bronx, N.Y. 10451.

All agenda items dealing with overall Safety and Health problems must be submitted to the Safety Office on or before Monday, Jan. 24, 1977.

RAY L. PERRY
Secretary

C. H. Cockett Canal St
Steward

NEW YORK LETTER CARRIERS BRANCH 36
National Association of Letter Carriers
255 West 43rd Street, New York, N.Y. 10036

TO CARRIER DELEGATE Thomas A. Lamicella (NAME) Canal St. (STATION)

Please use the bottom of this letter to advise Branch #36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Station Delegate first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committe of such efforts for our determination.

LIST COMPLAINTS:

Re: New Vehicle Mirrors. #640 Series. It is an impossible situation; You cannot get full vision on driver side or left side of vehicle judging distance & depth is out of the question they actually are a hazard in driving safety for the Driver, Pedestrian and the vehicle itself. The other problem is that the door post is actually in line of vision that even if the full mirrors are put on hopefully they will clear the post so you can see out of the narrow window on side. (AT. LEROY ST GARAGE)

As a final note, the parking situation in the A.M. is absolutely ridiculous it's taking 10 to 15 min just trying to jockey out in the open. Trucks are being parked helter skelter & that I blame the Supervising attitude for; no body cares how they are parked at nite & in the A.M. it's bump here & bump there, they are parking the new vehicles too close to one another creating scratches, & dents etc etc. — I guarantee these new vehicle won't last 2 years at this rate — I do hope all these items I mentioned will be looked into and taken into consideration.

Sincerely
Thomas A. Lamicella

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 West 43 Street, NY, NY 10036

TO CARRIER DELEGATE: _____

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

LIST COMPLAINTS: "URGENT"

1- 2nd floor - NEEDS A NEW FLOOR DESPERATELY EMPLOYEES ALREADY HAVE BEEN INJURED BECAUSE OF DEFAULTED FLOORS. NEEDS IMMEDIATE ATTENTION

2- SWING ROOM NEEDS PAINTING

3- LOCKERS NEED CLEANING & PAINTING

4- WINDOWS ARE DIRTY

5- URINALS & SINKS NEED REPAIRS IN 2ND FLOOR BATHROOM.

6- NEW FILTERS SHOULD BE INSTALLED ON DRINKING FOUNTAINS

7- OVERALL DUSTING OF WORK CASES.

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan

Joseph Leal
Steward's Signature

Old Chelsea Sta
Station

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED)

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE 3/21/78

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

Broken toilet in Ladies and Men's room 3/18/78 – 3/20/78

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

Frederick Barksdale
Steward's Signature

City Island
Station

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE 3-28-79

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

1- HAVENIT HAD A FIRE DRILL IN PAST 10 YRS Approx.
2- SIDE DOOR OF BLDG. IS LOCKED BOTH WAYS - CANNOT LEAVE PREMISIS IN AN EMERGENCY
3. THERE IS NO FIRST AID OFFICER ASSIGNED TO STATION
4- AREA'S ON FLOOR NOT MARKED OFF- FOR SKIDS & TUBS -

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

V Lissenko
Steward's Signature

Whitefield
Station

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

~~NEW YORK LETTER CARRIERS~~, BRANCH 36
NATIONAL ASSOCIATION OF LETTER ~~CARRIERS~~
255 WEST 43RD STREET, NY, NY 10036

DATE Feb. 11, 77

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

~~Please return these forms~~ as expeditiously as possible to the above address.

Joe Graulino Dr. Sick "Dusty Station"

DIRTY BAGS # 2- R. Tuscano. RT-14,
DOWN STAIRS REST-ROOM UNSANITARY,
1/11/77 The floors have not been swept in over a week. ~~Please~~ VERY HARD TO, KEEP UNIFORM + DRESS NEAT
Leonard Mannuccio- the dust effects my breathing.
NO DRINKING WATER ON GROUND FLOOR.

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

Steward's Signature

Station Williamsbridge Station
711 Gun Hill Road
Bronx, N.Y. 10467

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE 3/4/78

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

THE INNER SWINGING DOORS OF THE DECK ARE STICKING (IMPROPERLY HUNG) AND MAKE A DANGEROUS SITUATION WHEN EMPLOYEE'S LEAVE AND ENTER STATION. WORK ORDER HAS BEEN SUBMITTED AND NOTHING HAS BEEN DONE YET (BY ABOVE DATE) TO CORRECT THE SITUATION.

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

Steward's Signature

RIVERDALE STATION
5650 RIVERDALE AVENUE
Station NEW YORK, N.Y.

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 West 43 Street, NY, NY 10036

TO CARRIER DELEGATE: 1-26-77

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

LIST COMPLAINTS:

THE CEILING OF THE LOADING BAY IS WEAKENED FROM WATER-LOGGING AND MAY ONE DAY SOON FALL DOWN WHEN THE METAL DOOR-GATE IS LOWERED.

Steward's Signature

Station RIVERDALE STATION
5551 RIVERDALE AVENUE
BRONX, NEW YORK

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED)

Copy sent to Herman Dixon
1-31-77

NEW YORK LETTER CARRIERS, BRANCH 36
NATIONAL ASSOCIATION OF LETTER CARRIERS
255 WEST 43RD STREET, NY, NY 10036

DATE March 4, 1978

TO CARRIER DELEGATE:

Use the bottom of this letter to advise Branch 36 Health and Safety Committee as to any Health and Safety violations that may exist in your station so that they may be corrected. Be sure that this problem is brought to the attention of the station manager. Find out what action has been taken, if any.

In order that we may expedite your complaint promptly and properly, please print the complaint and pinpoint the exact location of where the violation exists.

It is suggested that the Shop Steward first attempt to resolve any problems relative to Health and Safety violations on the station level. If the discussion does not resolve the matter, advise the Health and Safety Committee of such efforts for our determination.

Mail in this form at the end of every month. Each month you will receive a new form.

Please return these forms as expeditiously as possible to the above address.

Carrier routes are in desperate need of stools. Some stools are broken and some routes have no stools at all. The station needs ~~ten~~ stools.

The station is always short of paper towels. the employees have to use toilet paper.

Whenever it rains the water drips down from the ceiling through the electrical fixtures. This is very hazardous.

Branch 36 Safety Officers:
Pete Petrocelli, Manhattan
Herman Dixon, Bronx

Steward's Signature

Tremont Station 10457
Station

(USE REVERSE SIDE OF THIS FORM, IF ADDITIONAL SPACE IS NEEDED).

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

MONDAY, JULY 16, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., in room 2261, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Murphy, Bailey, and Buchanan.

Staff present: Paul F. Dwyer, majority counsel; Rebecca Davis, research assistant; Edith C. Baum, minority counsel for labor; and Dorothy Strunk, minority legislative associate.

Mr. GAYDOS. The subcommittee will be in order and I apologize on behalf of the committee for the delay.

This morning we are continuing with our oversight hearings into the occupational safety and health of the Federal employee.

Appearing before the subcommittee this morning are representatives of the Department of Transportation—Coast Guard.

At this time, I wish to welcome Rear Adm. James P. Stewart, Chief of Staff, U.S. Coast Guard, and Mr. William K. Lowry, Chief of Safety Programs Division.

Welcome to the subcommittee, gentlemen, and you may proceed in a manner you deem best.

STATEMENT OF REAR ADM. JAMES P. STEWART, CHIEF OF STAFF, U.S. COAST GUARD, ACCOMPANIED BY WILLIAM K. LOWRY, CHIEF OF SAFETY PROGRAMS DIVISION; KEN DOOLAN, CHIEF INDUSTRIAL HYGIENE BRANCH; AND RICHARD P. ARNOLD CHIEF, PROGRAMS AND EVALUATION BRANCH

Admiral STEWART. Good morning, Mr. Chairman. If I could, I would like to read an opening statement for the record.

Mr. Chairman and distinguished members of the subcommittee, I am Rear Adm. James P. Stewart, Chief of Staff, U.S. Coast Guard. As you mentioned earlier, Mr. William Lowry, Chief of the Safety Programs Division at Coast Guard Headquarters, is here with me.

I appreciate the opportunity to appear before you and discuss the Coast Guard's safety and occupational health program. We are proud of our program. Even though elements of the program are not yet fully developed, I am confident we are headed in the right direction. We are making significant progress toward implementing the OSHA statutes designed to protect the health and safety of our people.

The Coast Guard has a long tradition of saving lives. We earned our nickname of "The Lifesavers" by sending our people out in extreme conditions to assist those in peril. Since saving the lives of others is our main business, a concern for the safety and occupational health of our own personnel comes naturally to us.

The Coast Guard is a multimission organization. While search and rescue is our most urgent task, we are also busy with pollution control, drug enforcement, maintenance of aids to navigation, merchant marine safety, port security and military readiness.

All of these endeavors benefit from our comprehensive safety and occupational health program. It is my job and the job of the headquarters staff to direct that program.

I would like to point out that the Safety Programs Division that Mr. Lowry heads up deals primarily with internal Coast Guard safety. The Coast Guard is essentially an operational rather than administrative service. Over 75 percent of all Coast Guard missions require that our people work in dangerous environments and they depend on safe operation for success.

When President Ford signed Executive Order 11807 requiring Federal agencies to establish safety and health programs consistent with the Occupational Safety and Health Act of 1970—OSH Act—we carefully examined the mandate and the requirements it imposed.

But we also looked beyond those requirements toward the development of a safety and occupational health program that would not only provide protection for our personnel, equipment, and facilities, but would be a key part of our operation. We wanted safety to be our normal way of doing business, not some special effort.

Therefore, in 1974 we began to revise our existing program in order to make it more comprehensive. The commandant wanted us to develop a full program that would meet the requirements and intent of the OSHA regulations, the Executive order and Congress.

Thus, the basic thrust of our effort is to meet the requirements of 29 CFR 1960, as we develop a safety and occupational health program that is completely integrated with, and particularly appropriate to, Coast Guard operations.

We approached the Department of Transportation and the Department of Labor with this idea in mind. Both agreed to let us tailor our program to meet our specific needs. This has made it possible for us to develop some innovative approaches to safety and health programing. But we haven't just been developing new safety programs; we have been changing the way the Coast Guard operates.

As the Chief of Staff, I am the designated safety and health official of the Coast Guard. While this is in keeping with the requirements of the Executive order and 29 CFR 1960, there are other significant reasons why this role has been established. I have the authority and the responsibility to oversee all the activities of the Coast Guard and

to allocate resources to maintain and improve our ability to accomplish our missions. Thus, I am in an excellent position to make sure that the safety and occupational health of our personnel is protected.

I am pleased to say that I have a dedicated and highly competent staff in the Safety Programs Division which handles the day-to-day operation of our program at headquarters. In the field, we have people with responsibility for the implementation of the program at each of our 12 Coast Guard districts and 15 headquarters units.

Our Safety and Occupational Health program dovetails with our operational procedures. I would like, now, to explain how this works in the Coast Guard and give you a brief description of our overall program.

We have based our program on the guidelines set forth in 29 CFR 1960. We have recognized our responsibility for providing safe and healthful places of employment and, in the case of many military personnel, residence; we have accepted, and will continue to rely on, the mandate imposed by 29 CFR 1960, subpart A.

To meet the recordkeeping and reporting requirements of subpart B, we are assisting the Department of Transportation in developing a data base management system that will do two important things.

First: It will enable us to quickly and accurately review the comprehensive Coast Guard safety and health record. This will make it easier to fulfill the periodic reporting requirements set for us by the Department of Labor.

Second: We will be able to use intelligent terminals in each of our district offices. This means we will get our information from the field quickly and will also eliminate a 12-page accident report form.

This system is envisaged as an eventual replacement for the DOT Information Management System.

In response to 29 CFR 1960, subpart C, not only is top management involved by the appointment of the Chief of Staff as designated safety and health official, but we have active safety and health committees at the headquarters, district and unit levels, as appropriate. Subpart D sets forth requirements for inspections and abatements and we feel we have made real progress toward meeting those requirements with our comprehensive headquarters evaluations and the 860 inspections performed in the field by our district safety and health managers during calendar year 1978.

The hazard abatement requirements are dealt with by our Safety and Health Hazard Abatement Data System or SHHADS. Through SHHADS, 1,469 hazards were identified in the Coast Guard in 1978. These are monitored from the moment they are reported until they are abated.

In 1978, 631 hazard abatements were documented under the SHAADS system. Our field personnel provide the information and my headquarters staff manages that data and monitors the field's abatement efforts throughout the Coast Guard.

To meet the requirements of subpart E, we have temporarily adopted, as interim standards, 29 CFR 1910, 1914–18 and 1926, the "OSHA Standards," which have been reprinted and distributed under distinctive red, white, and blue Coast Guard covers. These volumes will be superseded by the Coast Guard Safety and Occupational Health Standards, which are currently under development.

We have set three program objectives to help us carry out our intentions.

First: We seek to minimize the introduction of safety and occupational health hazards into Coast Guard operations.

Second: We are determined to conserve the Coast Guard's manpower and material resources and protect them from existing hazards.

Third: We are working to improve the ability of the Coast Guard's safety and occupational health program to respond to emergencies in the field. We are meeting this last objective through such traditional activities as inspections, hazard abatement and accident investigation.

By focusing our attention on these preventive, active and reactive efforts, we hope to avoid the trap of thinking of safety and occupational health only as a police function.

Many of the activities in our program are not even identified as "safety." We view the proper performance of our safety and occupational health responsibilities as synonymous with good management and I regard the safety and occupational health staff, both at headquarters and in the field, as a vital part of the Coast Guard management team.

Their training and experience make it possible for them to call to my attention, and to the attention of District Commanders, conditions that might cause problems—problems that could limit our ability to operate—and problems that jeopardize the safety and health of our personnel.

Since 1973, we have not only increased the expertise of our headquarters staff, we have expanded our field capability to respond immediately to safety and occupational health needs. In 1973, the scope of the Coast Guard's safety program was such that a headquarters staff of five was adequate. Since that time, as the program has become more comprehensive, increased specialization has been necessary.

This specialization has been achieved by expanding the capabilities of the original staff through training, and through the authorization of additional personnel in different disciplines.

Our staff of 16 now includes individuals with backgrounds in vessel, aviation and shore facility safety; industrial hygiene; fire prevention, protection and suppression; training; planning, programing and budgeting; information services, and industrial hygiene.

We have organized the Safety programs Division along the Coast Guard's operational lines. To that end, our safety staff is made up of both Coast Guard military people with "hands-on" operational experience who are now gaining expertise in service-wide safety management, as well as civilian safety specialists who are now becoming experts on Coast Guard operations.

We are providing significant career training for our safety professionals, both military and civilian. Our people in headquarters and the field have attended, among other things, the Air Force's ground safety school at Arizona State University, various National Safety Council courses, NIOSH and OSHA Institute courses, safety courses for crane operators, the University of Southern California masters degree program in safety and health, and Navy vessel safety courses.

Our Safety Programs Division specialists are involved in the activities of other Coast Guard programs, both operational and support, to

coordinate the proper Coast Guard-wide implementation of the safety and occupational health program.

Safety Programs' people also provide assistance to the safety and occupational health personnel in the field, who are responsible for implementing the safety and occupational health program in day-to-day operations.

Most of the expansion made necessary by the OSH Act, Executive Order 11807 and our own comprehensive program has occurred in the field. In the field, we now have 16 professional safety and health managers, 1 in each district, and 1 each at the Support Center Governor's Island, at the Coast Guard yard, at the Aviation Training Center, Mobile, and at the Aircraft Repair and Supply Center, Elizabeth City, N.C., as well as fully trained flight safety officers at each of our 26 air stations.

Our most important addition to field staffing came in 1977 when we reprogramed existing resources so that we could assign 12 chief damage controlmen to the district safety staffs. We augmented the already extensive experience of these Coast Guard veterans by providing many of them with an intensive 40-hour OSHA school and experience with the Navy's excellent ship safety survey teams, as well as other selected courses.

Without this increased capability in the field, the specialization developed at headquarters would have had little real impact on the safety and occupational health of the Coast Guard. Since several districts have grown to over 150 units, the need for greater field capability was clear.

Our goal, from the first, has been to establish a comprehensive program, one that will work for all Coast Guard people, under all circumstances. We have made important progress in establishing the sort of program that will satisfy the reqirements set down by the Congress in 1970, as well as providing truly effective safety and occupational health protection for the U.S. Coast Guard.

Thank you, Mr. Chairman. This concludes my prepared statement. I would be pleased to answer any questions that you have.

Mr. GAYDOS. Thank you, Admiral.

Let the record show that Mr. Murphy, Mr. Bailey, and Mr. Buchanan are present.

Of all the Federal agencies, Admiral, I think the Coast Guard certainly is the most unique among its various missions, primarily its mission of safety. For the purposes of this hearing and this committee, and where our jurisdiction lies, I would ask you to respond only as far as your civilian personnel are concerned.

Your operational personnel and military per se doesn't belong to the jurisdiction of this committee, so it would be most helpful along those lines if you would make an attempt to differentiate in your responses to that distinction to which I referred.

How many civilian employees of the Coast Guard do you have, roughly, and where are they located, primarily? How do they fit into your general scheme of operation?

Admiral STEWART. There are about 6,000 civilian employees in the Coast Guard. Many of them are located at headquarters. We have about 1,450 at Coast Guard Headquarters, many in our district offices,

and many at our industrial facilities located in various ports throughout the United States.

The Coast Guard yard in Curtis Bay, Md., is a heavy employer of civilian personnel, and we have quite a few civilians also at A.R. & S.C., the Aircraft Repair and Supply Center, in Elizabeth City, N.C., and that covers the bulk of them.

Mr. GAYDOS. Let me ask you a practical question. Take a crane operator; how do you differentiate between when you have a uniformed crane operator in a particular assignment or base and when you have a civilian doing that type of work? How do you differentiate?

Admiral STEWART. I don't think we really draw a line and say that it has to be done by a civilian or has to be done by a military man. Whoever does it, though, we want them to be well trained in how to operate that crane and operate it safely.

Mr. GAYDOS. What would be your most hazardous place of employment?

Admiral STEWART. Probably our industrial establishments are the most hazardous places of employment, with regard to civilian personnel.

Mr. GAYDOS. Last year, this committee had the opportunity to observe some navy yard operations in Honolulu.

At that time they had a very unique, very modern type of approach to the removal and replacement of asbestos. I know you are familiar with the notoriety that asbestos has achieved to date.

Have you taken any special precautions thereto? What is your procedure, generally, as far as asbestos is concerned, and do you have any problems with it?

Admiral STEWART. We do have an asbestos problem in the Coast Guard. It was identified to us pretty specifically in the last year. Actually, the first real identification of a problem occurred on our Coast Guard cutter *Bibb*, which is a 45-year-old steam-driven vessel, and a lot of asbestos is used in lagging in the steamplant.

That really triggered us into getting deeply involved into the asbestos business.

Mr. GAYDOS. Would you have both civilian and other personnel doing the work, the combination?

Admiral STEWART. The repair work would either be done in a civilian shipyard or the Coast Guard yard. In the Coast Guard yard, our own employees would be involved. If it were a civilian yard it would be under contract.

So, we started on several phases. The first phase was to take a look at every vessel in the *Bibb's* class to see if we had a problem. We found problems on other vessels of the class, and to date we have spent close to $1 million to try and repair the lagging on those vessels.

Our second phase of this program is to take a survey of a random sample of all Coast Guard vessels. We are trying to cover not only that 45-year-old class, but also all of the other classes of vessels that we have, to find out whether we have a problem of the same magnitude, or how serious it is.

That study is in progress now. We have two graduate students from Johns Hopkins University who are conducting the study for us and, as it is in progress, we don't have the results yet.

We have recently put out an instruction which sets down the standards for asbestos fibers in our working as well as living environments on board ship. I think you recognize, if you are down in the engineroom where the lagging is, you may be exposed to a higher level of fiber contamination in the air than you would be in the living compartments, but since our people are in these living compartments for long periods of time when the vessel is at sea, we are concerned about what contamination the ventilation systems may be carrying throughout the vessel. So we set two different requirements one for living areas and one for work spaces.

We are also looking forward to setting up a plan to determine what, if any, asbestos problems we may have at our shore units as well.

Mr. GAYDOS. Getting back to the ship, if I may. In establishing those standards or work procedures, are they in accordance with the OSHA standards?

Admiral STEWART. Our standards are actually more stringent than the OSHA standards that are specified today. I can't quote——

Mr. GAYDOS. Do you say that advisedly?

Admiral STEWART Let me call, if I could——

Mr. GAYDOS. Has there ever been a comparison made? Are you saying that your standards involving the item we are talking about are more stringent and, hopefully, more effective than OSHA's?

Admiral STEWART. We have set a standard that requires fewer fibers in the air than the current OSHA standards.

If I could call on Mr. Ken Doolan, who is our specialist in this area, perhaps he could give you some more information.

Mr. DOOLAN. Specifically, we have set our standard at a half fiber per cc. The current OSHA is two fibers per cc. This is based on more current scientific information that is available now as opposed to what was available when OSHA passed their standard.

The requirements for control are basically universal. OSHA says you should control basically the same way we say you should control. There is not too much room to innovate. We have requirements for controlling the amount of fibers that come into the air to the 0.5 level.

We have requirements to protect people using different types of respiratory apparatus. We have a requirement to train our people prior to getting them into the asbestos area where they have to work with it.

We have two training packages right now being developed, one for the general orientation of people who must work on ship who are, as you might recognize, very concerned about their environment. The second package is to be directly applied to the MK and DC schools. These are the types of people that normally have to handle this sort of problem aboard ships.

We are going to integrate these training packages into the schools to teach our personnel the problems of how to protect themselves and how to work with the material.

Mr. GAYDOS. How long has this been going on?

Mr. DOOLAN. This is a fairly new effort. I would say in the last 6 months.

Now, at our shipyard we have had an asbestos control program, and that is primarily in the past where we have run into asbestos problems quite a bit. We have had a problem there since 1972 or 1973, if I

recall right. It was a local program within the shipyard operating procedures. It pretty well complied with the OSHA requirements that had been in effect for the last 3 or 4 years.

We have improved on it in lowering the asbestos limit and we have changed our policy in the last 6 months.

Mr. GAYDOS. It is one thing to establish a standard, another thing to achieve that standard. What does it look like as far as compensation cases, let's say from 1970 to the present? Are they increasing, decreasing, and are you accomplishing the standards, after a fashion?

Mr. LOWRY. We don't have the actual data to show any decrease or increase in compensation. We have not been able to identify through the medical monitoring system any asbestos compensation cases. None of these have been brought up. We have examined the records, but have not been able to find any.

Mr. GAYDOS. Is there any distinction between civilian employees and your own personnel?

Mr. LOWRY. No, sir.

Mr. GAYDOS. Mr. Bailey, it is my pleasure to call upon you.

Mr. BAILEY. I have no questions, Mr. Chairman. I will wait.

Mr. GAYDOS. Mr. Buchanan?

Mr. BUCHANAN. How do you enforce the standard for asbestos?

Admiral STEWART. Right now we have the team that is out there looking with the necessary equipment to measure the number of fibers that are in the atmosphere of the ships, to see what the problem really is, and if we find that we are exceeding these tolerances, then we will do what needs to be done to control it.

Mr. BUCHANAN. What contracts have you had with OSHA itself? Do you have a working relationship with OSHA?

Admiral STEWART. Yes, sir, we have a good informal working relationship with OSHA. Mr. Lowry's people know their counterparts over in OSHA, and I think we have a good informal working relationship.

Mr. LOWRY. Our formal relations with OSHA go through the Office of the Secretary, Department of Transportation, but on a day-to-day basis we know the regional representatives in the field, and we have quotas at the schools that we go through.

When we trained our damage control chiefs before putting them in the field, we contracted with OSHA to put on a 40-hour course at Petaluma, Calif. We have used the OSHA and NIOSH people to train our safety managers in the field for 2 years in a row. We have a continuing quota. We have a very good relationship. Primarily, it is through the Office of the Secretary.

Mr. BUCHANAN. Do you have any kind of memorandum of understanding between OSHA and the Coast Guard?

Admiral STEWART. I think perhaps you are referring to the memorandum that we are working with now on the Outer Continental Shelf [OCS]. Again, that is part of our external operation, but I do have a little information on that with me here this morning.

The OCS Land Act amendments clarify the responsibilities of the Coast Guard and OSHA with respect to the Outer Continental Shelf. There is a section in the act that preserves the general authority of the Coast Guard for matters relating t othe safety of life and property on the OCS. In addition, it gives the Coast Guard authority to regulate

hazardous working conditions on the OCS and authorizes the Coast Guard to respond to allegations of violations of occupational safety and health regulations under the act.

These provisions, taken together with the responsibilities of the Coast Guard under other provisions of the amendments for inspections and investigations, as well as the conference report accompanying the amendments, make it clear that the Coast Guard is given primary responsibility for worker safety on the Outer Continental Shelf.

As the same time, another section, 21(d), preserves the existing authority of OSHA. The Coast Guard is responsible for developing a comprehensive program for worker safety on the Outer Continental Shelf, but until this program is in place, OSHA regulations remain applicable.

The Coast Guard has proposed a memorandum of understanding with OSHA to formalize our respective responsibilities on the shelf. The MOU will provide a format for cooperation and coordination between the two agencies, eliminate duplicative efforts, and avoid undue burdens on the maritime industry.

We have had discussions also concerning diving, crane safety, and drilling. As recently as June 22, Admiral Bell, who is Chief of our Office of Merchant Marine Safety, met with Mr. Basil Whiting, who is Deputy Assistant Secretary for Occupational Safety and Health, and they reviewed the draft of the Coast Guard-OSHA MOU that will eventually be submitted to the Commandant of the Coast Guard and to Dr. Bingham of OSHA for approval.

They agreed that a few additional elements of background material should be assembled prior to forwarding the MOU for signature, and that work is in progress at the present time.

Mr. BUCHANAN. Thank you.

You indicated that you did not have figures on asbestos because you don't have any cases of record where you have a clear asbestos history. Do you have any other statistics in terms of injuries or accidents in the Coast Guard?

Mr. LOWRY. Yes, sir; we have information over the past 7 years; we have the data from our safety management information system that is run by the Department of Transportation. We also have our own data which clarifies and goes a little beyond that.

Mr. BUCHANAN. Do we have that, Mr. Chairman? I would like to see how they are doing statistically as soon as you find out, in the area of asbestos.

Admiral STEWART. We would be happy to provide that for the record, if you desire.

Mr. BUCHANAN. Would you submit that for the record?

Admiral STEWART. Yes sir.

[The information follows:]

MATERIAL SUBMITTED BY REAR ADM. J. P. STEWART, CHIEF OF STAFF, U.S. COAST GUARD

SAFETY AND HEALTH STANDARDS

Federal law, specifically 29 CFR 1960, requires all federal agencies to develop and promulgate safety and occupational health standards to protect all employees.

Because the Coast Guard is essentially a military organization, we faced problems in the development of such standards beyond those dealt with by most

other Federal agencies. Our standards would have to protect Coast Guard people around the clock, whether at work or not, whereas OSHA only addresses itself to hazards in the workplace. For many of our personnel, the Coast Guard environment is both a workplace and a living area. Such arrangements can create real problems. Our standards would also have to deal with the hazards found in a variety of specialized environments, such as ships and aircraft, which OSHA does not address. The diversity of our various missions presents a standards problem too. We operate on the land, at sea and in the air, with a wide variety of units and different types of aircraft and vessels. So, although OSHA standards are often appropriate to our jobs, there are many other times when our mission takes us beyond the range of OSHA. This can present a real safety challenge.

Our response to this challenge is the Coast Guard Safety and Occupational Health Standards project. Since late 1976, we have been carefully developing standards which will protect Coast Guard personnel from the more typical workplace dangers as well as from some hazards that are unique to our mission. We are dealing with hazards involved in every activity from firefighting to paint scraping.

Because of the increasingly evident necessity to develop truly comprehensive standards that will be useful Coast Guard-wide, the Standards project is taking longer than we had originally projected in 1976. We will continue to use OSHA standards in areas where Coast Guard standards have not yet been developed.

Our standards are committed to the proposition that the OSHA regulations represent a minimum level of protection and that we will strive, wherever practical, to improve the safety and health protection of our personnel beyond the OSHA minimum.

EVALUATIONS OF FIELD PROGRAMS

The Safety Programs Division's evaluations of Coast Guard districts are a key element in our safety and occupational health program.

I want to emphasize that these evaluations are not simply "safety inspections." We evaluate the entire district operations. Safety and occupational health considerations cannot be separated from any honest appraisal of the total organization.

Accidents are preceded by inadequate training, inappropriate procurement, inadequate maintenance, improper use of personnel or materials, in short, by poor management. Thus, a safety problem is inevitably a management problem. And that's why our evaluators meet with the district commanders as well as the district safety personnel.

When we go out to a district, every box on the organization chart is fair game; to confine ourselves to the areas labeled "safety" would be to take a "band-aid" approach to any safety problem. The extent to which safety considerations are an integral part of district operations is precisely the extent to which that district"s safety and occupational health program will be successful. And we will continue to evaluate the Coast Guard districts according to that premise because we think this is the only sensible way to make the Coast Guard safe.

RISKS ANALYSIS OF HU–25A

In mid-1980 the Coast Guard will begin its first service-wide use of jet-powered aircraft, with the introduction of the HU–25A, a derivation of the swept-wing, twin-engine Falcon 20G. This high performance turbofan jet, complete with state-of-the-art avionics that include cockpit management systems and fuel and navigation computers, will greatly increase the Coast Guard's search and rescue capability.

In order to ensure a safe and effective transition from the older, propeller-driven aircraft the Coast Guard has always used to the more advanced, jet-propelled HU–25A, the Safety Programs Division's Flight Safety Staff is developing a human factors risk analysis. This analysis makes use of the most sophisticated system safety techniques. All major national and international uses of that aircraft were examined; private use, the Canadian government's experience, Federal Express' records, and other relevant data were taken into account. This risk analysis will be a good accident prevention tool.

The risk analysis is in keeping with our continuing effort to prevent the introduction of risk into our operations.

INDUSTRIAL HYGIENE—PREVENTION OF INTRODUCTION OF RISK ("FOIL")

About three years ago, the Coast Guard's Office of Marine Environment and Systems had developed a Field Oil Investigation Laboratory (FOIL). The purpose of the project was to set up several labs throughout the country designed to identify the commercial source of oil spills. These sophisticated laboratories could determine the distinctive "fingerprints" of the petroleum products involved in the spill.

The first of these labs was to be established in the Third Coast Guard District. Coast Guard Safety and Occupational Health personnel in that District examined the plans for the facility and found several potentially dangerous problems. Ventilation systems would not have provided adequate protection for workers, there would have been unnecessarily high risks of exposure to toxic chemicals and there were definite fire/explosion hazards in the facility as designed.

The Safety Programs Division's industrial hygiene staff evaluated the facility plans and proposed changes that enabled the Coast Guard to prevent the introduction of serious risks into its operations.

INDUSTRIAL HYGIENE—PREVENTION OF INTRODUCTION OF RISK (CHEMICAL HAZARD PROTECTIVE CLOTHING)

About a year ago, the Coast Guard's Office of Marine Environment and Systems was designing protective clothing to be worn by field personnel carrying out the new Hazardous Chemical/Pollution Control program. An evaluation by the Safety Programs Division's industrial hygiene staff and fire safety specialist revealed that this clothing was unsafe for the uses proposed. There were defects in the breathing system, there were no systematic testing procedures for determining if a particular suit was appropriate to the proposed use, and the clothing was not sufficient for the firefighting application that had been suggested.

In the course of preventing this introduction of risk, the Safety Programs Division has been assisting the program manager in charge of distributing the suits and has provided guidelines for establishing new use procedures.

This ongoing program will ensure that our pollution control efforts are carried forth in a manner that is safe for our personnel as well as beneficial to the environment.

SAFETY AND HEALTH STANDARDS—SHIPBOARD

In attempting to apply certain safety regulations required of all federal employers by the Department of Labor, we encounter some difficulties when it comes to ships. OSHA requirements apply to certain activities in shipboard activities but OSHA ladder, stairway and other workspace regulations simply cannot be applied to shipboard circumstances. The motion of the ship when underway also presents problems not addressed by OSHA.

The Coast Guard is using the Navy Ships Technical Manual, OSHA Standards, general specifications and other relevant documents as its primary guidance in establishing shipboard safety regulations. The Navy Safety Precautions for Forces Afloat also contains relevant guidance. These documents are being adopted as Coast Guard regulations on an interim basis until we can develop and promulgate our own standards. We intend to submit these documents to OSHA for review. We anticipate that DOL will approve these regulations as applicable under the OSH Act.

MEDICAL MONITORING

The Coast Guard's medical monitoring program is an ongoing effort to protect all of our workers who may have health-hazardous occupations or who may be exposed to hazardous materials. Work is now underway to determine the health hazardous occupations in the Coast Guard. Workers in those jobs will receive physicals on a regular basis to assure that the dangers of their job do not affect their health. A continuing effort is also being to determine the various hazardous materials to which Coast Guard personnel may be exposed so that these people can receive proper medical monitoring. At the very least, we know we have at least 3,000 Coast Guard personnel in marine inspection and other hazardous occupations, and we strongly suspect that our Coast Guard-wide evaluation will turn up even more candidates for medical monitoring.

Hazardous noise levels are a major occupational health problem in the Coast Guard. To protect our people from unnecessary hearing loss, we have initiated a

Coast Guard-wide hearing conservation program. The noise exposure limit in the Coast Guard is 85 dBA. The level of protection called for by OSHA is less stringest: 90 dBA. It is estimated that we are able to protect an additional ten percent of our personnel from hearing loss by following the stricter guideline.

SAFETY AND HEALTH TRAINING

Although the OSH Act and the Executive Order called for the provision of safety and occupational health training for agency employees, it was not until 1977 that specific guidance for training was provided in the form of 29 CFR 1960.20. In spite of this long development period, the guidelines offered only the simplistic suggestion of the creation of a separate training empire to parallel the already extensive and comprehensive training efforts typical of the military organizations. Frankly, the Coast Guard did not have the resources to establish such a parallel system.

We chose not to accept the extravagant premise that safety and occupational health training required specialized courses. The Safety and Occupational Health Training, Education and Development Plan (TED for short) which we developed makes use of planned interventions into existing training activities. For example, as our Damage Controlmen are being taught welding, they are simultaneously made aware of the safety and occupational health precautions associated with welding. Thus safety and health training criteria and techniques will be consistent with those used for training throughout the Coast Guard. Because we chose to rely heavily upon such interventions, we were able to go well beyond the requirements of the OSHA guidelines in establishing the goals and objectives of the program. I should also point out that we do provide a great deal of specialized safety and occupational health training for personnel in high risk jobs.

We're quite proud of this TED plan. It was well received when it was presented to Federal Field Safety Councils and to the other services. The Navy, for example, has begun borrowing one of the TED concepts by having their Safety Center review correspondence courses. Our plan has the distinction of being the first to be submitted by a Federal agency to OSHA for their review. Their comments support our belief that the Plan is comprehensive and conforms to the guidelines of 29 CFR 1960.20. Their only regret was that the program would not be fully implemented until 1983.

LIFESAVER MAGAZINE

In the past, the Safety Programs Division has been reponsible for several safety newsletters; one dealing with general safety, one with aviation safety, one with vessel safety and so on. These newsletters contained much useful information and were usually well-received in the field. But for the most part these publications have been put together on a catch-as-catch-can basis, and the result has sometimes been less than professional.

As our concern for safety and occupational health has deepened and become more sophisticated, we have decided that we need a new safety magazine that will reflect the high priority we are placing on protecting our people. We will be changing from a format of reviewing past accidents to analyzing in depth the Coast Guard's Safety and Occupational health efforts. All of our present monthly and semi-annual safety bulletins and newsletters will be combined into a single quarterly, professionally edited and printed on quality materials, to be known as the Lifesaver.

By consolidating our other publications, we will be able to produce this high quality magazine and still save the government a good bit of money.

We feel it is most appropriate at this time to give our general interest safety publication the same sort of priority we are giving to the safety program itself.

MEDICAL MONITORING—BLOOD LEAD LEVELS IN BUOY DEPOT WORKERS

About three years ago, the First Coast Guard District's Safety and Occupational Health manager became concerned about working conditions at the Coast Guard's buoy depot at South Weymouth, MA. A general occupational health survey was performed by the Safety Programs Division's industrial hygienist. The survey included a complete ventilation system test, workspace air sampling and worker interviews.

Significant lead contamination was found in some instances, and a medical monitoring program was immediately started; blood samples are regularly taken

from the workers at the depot. In addition, many engineering modifications have resulted in reduced lead levels in the working environment. A worker education program has enabled employees to take action to protect themselves.

The most recent inspections of the facility and examinations of the employees indicate that the lead hazard has been greatly reduced.

ASBESTOS ABOARD CUTTERS

Six months ago, during a regular biannual inspection the Coast Guard Cutter BIBB in New Bedford, Massachusetts, the Chief Damage Controlman who assists the First District's Safety and Occupational Health manager discovered deteriorated lagging which led to serious levels of airborne asbestos aboard the vessel.

The Chief submitted a Hazardous Condition Notification to Headquarters and the Safety Programs Division Industrial Hygiene staff responded, inspecting the cutter in question and others in the area. A definite health hazard was determined to exist.

In response to Safety Programs Division recommendations, the Commander, First Coast Guard District, called for immediate engineering modifications; asbestos-treated surfaces were removed or repaired, as appropriate, at a cost of $700,000.

The Safety Programs Division has initiated a Coast Guard-wide investigation to determine the full extent of the asbestos problem.

The Office of Engineering at USCG Headquarters has submitted a recurring budget item, calling for $600,000 to be set aside for dealing with asbestos problems each year, for the next 20 years.

The Safety Programs Division Industrial Hygiene staff has proposed a four-phase approach to asbestos abatement. Phase One was approved and has been completed; it consisted of a survey of all five of the 45-year-old 327-foot cutters at a cost of $4,000. The survey findings were generally favorable. Phase Two is underway and will cost around $60,000. It will consist of a carefully selected sample of ten percent of the Coast Guard's vessels. Phase Three would cost $344,000 and would result in the examination of all Coast Guard vessels by industrial hygienists. Phase Four calls for the monitoring of all problem vessels identified in Phase Three until the hazard is abated. We have augmented our industrial hygiene staff in a very cost-effective manner for this special asbestos effort; we have saved about $30,000 by bringing aboard a young man and woman who are industrial hygiene graduate students from Johns Hopkins University for 90 days instead of hiring private contractors. These people will spend many hours aboard Coast Guard cutters at sea, under operational conditions. Until these landlubbers get their sea legs, they may suffer slightly from a traditional "occupational illness" that occasionally besets novices at sea, but we expect this particular hazard to be abated all in due time.

The Coast Guard has responded quickly and effectively to this serious health hazard, and we will stay on top of the situation until the problem is solved.

CGA'S NATIONAL SAFETY COUNCIL AWARD

In 1977, a Safety Programs Division inspection of the U.S. Coast Guard Academy revealed several serious hazards in areas such as chemistry labs, boat repair yards, gymnasiums, boiler rooms and dormitories. The Academy safety and health personnel were dedicated professionals, working overtime, but they lacked an effective, systematic way of dealing with the problems. They were preoccupied with, as it is sometimes said, fighting alligators when the real job was to drain the swamp.

Working closely with Academy personnel, our Safety Programs Division specialists were able to assist in the developments of a comprehensive Safety and Occupational Health plan that would enable the Academy to benefit from the system safety approach to hazard abatement. The present hazards were reduced or eliminated and, more importantly, it became easier to avoid the introduction of new hazards, which is the key to effective system safety.

The ultimate goal of our safety program is the achievement of safe and healthful surroundings for our people; safety awards and such are really superfluous. It's the safety that counts, not the award.

Still, it is with justifiable pride that I make note here of the fact that the U.S. Coast Guard Academy has just been awarded the National Safety Council's

second highest award for safety in the colleges and universities nationwide competition. I am proud of the Academy and I am gratified by the role my Safety Programs staff played in the Academy's success.

ACCIDENT ANALYSIS BOARDS (HELO ACCIDENTS)

The Coast Guard's Accident Analysis Boards are an excellent example of the benefits to be gained when the safety effort gets out of the accident reporting rut and into total system management. These Boards use the most sophisticated investigative techniques currently at our disposal to determine all cause factors related to any given accident. The Board has the authority to recommend any steps necessary to prevent a reoccurrence, be it new construction, reconstruction, acquisition or any modification of any Coast Guard organization or system.

The Analysis Boards are frequently so thorough that additional findings are made. These "bonus" results of the investigation may not be directly related to the accident in question but can be used to prevent future accidents.

The only purpose of such Boards is to gain information for accident prevention, not to assign blame or make charges. Information taken in Analysis Board hearings may not be used in court martial or other legal proceedings or for any other punitive purpose. You would be surprised how much valuable information we get from reluctant witnesses who don't want to testify for fear of disciplinary action, but are willing to tell all they know if they think it will help make things safer for their shipmates in the field.

The composition of the Boards cuts clear across operational and support elements of the Coast Guard. The Board's in-depth analysis of the accident is reviewed by the Commandant's Aviation Safety Board, comprised of senior Coast Guard aviators at Headquarters. Their review of the report comes to me. If I concur with the recommendations, I pass the Board's report to the Safety Programs Division for implementation. This routine ensures that all elements are properly informed and guarantees that the loop will be closed.

For example, consider the case of the Coast Guard helicopter crash near Sitka on 12 May 1978. An analysis board identified the cause of the crash as a rotor blade loss due to spindle failure, rather than pilot error as was originally suspected. The key to this determination was the recovery of the lost blade. Retrieving that blade from 150 feet of frigid Alaskan water called for a sophisticated effort. With the assistance of a Navy research deep drone underwater apparatus, the recovery was made and the spindle failure confirmed. The Board's findings resulted in our discontinuing the practice of replating worn spindles at the point of blade insertion. We have also begun a comprehensive reevaluation of the limits we have set on safe operational spindle life and the amount of rework we allow on such helicopter parts. As a result of our investigation, the manufacturer has gained valuable information that may prove vital to the safety of other operations involving this aircraft, both military and non-military, foreign and domestic.

Because an Analysis Board is not a legal body, it can examine a much wider range of "evidence," so to speak. Take the case of the helicopter that collided with the landing pad situated on a cliff at the Cape Hinchinbrook, Alaska Light Station. The Board was able to relate the layout of the Light Station and the rugged terrain to the flight path of the HH–3F by using an innovative suggestion made by a senior board member. A video tape was made of a helicopter landing at Cape Hinchinbrook which made the relationship between physical layout, the flight path and the light available at that time of day and year clear to those at Headquarters reviewing the Board's findings. This type of original thinking cannot always be used in a strictly legal proceeding. But every avenue is open to a Coast Guard Accident Analysis Board in its pursuit of that one goal: accident prevention.

In January 1977, a Chicago-based HH–52A helicopter conducting a routine aerial survey struck some power wires and plunged into the ice-covered Illinois River. None of those aboard survived, yet the Analysis Board convened in the case determined that, since the victims drowned instead of dying from trauma, the accident was survivable. In light of its investigation, the Board made recommendations that led to the installation of a different restraint system in this helicopter. But this may not have been enough. Fatal helo crashes off of San Diego and Cape Cod in January and February of this year were also determined by the Boards to be survivable. We are planning to budget necessary resources for

underwater escape training. Such training appears to be the key to improving the odds of helicopter crews that go down at sea.

The Coast Guard does not have the resources necessary to procure such a training facility. But we are working out an arrangement with the Navy whereby we will be able to use one of their "Dilbert Dunkers." These devices consist of submersible capsules that simulate aircraft interiors. With the Navy's cooperation, the knowledge gained by Coast Guard Accident Analysis Boards will take us a long way toward ensuring that our survivable helicopter crashes do indeed have survivors.

Coast Guard Analysis Boards have proved their effectiveness in the past and have enabled us to make changes in the Coast Guard management system. This in turn will help us to improve our aviation safety record.

SMOKE DETECTORS AND LOW-FLAMMABILITY BEDDING ABOARD CUTTER "MIDGETT" FIRE

In February of 1978, the Coast Guard Cutter *Midgett* was stricken by a fire in the berthing area while moored at the Support Center in Kodiak, AK. One crew member died and the vessel suffered $100,000 in damages.

The main source of the intense heat and heavy, black, toxic smoke that made this blaze so dangerous was the polyurethane mattresses and pillows in use at that time throughout the Coast Guard.

In the final analysis, we were remiss in failing to be sure our refresher training and fire watch policies were up to speed. Application of system safety principles can control these hazards.

Since the *Midgett* fire, at the recommendation of an analysis board, all urethane bedding in the Coast Guard has been replaced, feather pillows are used instead of shredded urethane-filled pillows and urethane mattresses have been replaced with mattresses made of neoprene, a material which burns much more slowly than urethane and does not produce as much toxic gas during combustion. These replacements cost some $600,000.

In addition, smoke detectors have been installed in all Coast Guard vessel berthing areas. This cost around $50,000. We are sure these investments in shipboard safety will pay great fire prevention dividends over the years. As a matter of fact, a recent fire on a Coast Guard buoy tender testifies to the wisdom of that investment. Although there was extensive damage, the fire was controlled, the vessel was saved, and there were no personnel casualties, because early warning was provided by the smoke detector that had been installed onboard as a direct result of the *Midgett* fire. We are learning our lessons. At sea, a sailor's greatest fear is fire, so we feel justified in taking the strongest possible action to reduce this hazard.

UNIMAK OPERATIONS SUSPENDED

In the spring of 1977, the First Coast Guard District Safety and Occupational Health Manager conducted an inspection of the forty-year old Coast Guard Cutter *Unimak*, prior to the vessel's departure for regularly scheduled operations. The inspector found numerous engineering deficiencies and other safety hazards which, in his opinion, would make safe operation of the *Unimak* impossible. As a result of these inspection findings, the vessel was prohibited from getting underway, and was tied up for two months while the necessary repairs and corrections were made. This was the first time in Coast Guard history that an active cutter was forced to suspend operations by safety personnel.

After $150,000 in repairs, the *Unimak* was inspected again and permitted to return to service.

The point I wish to make in this case is that our safety inspections in the field are not simply for the purpose of noting hazardous conditions for the record; we have the power to do something about safety problems, and we do not hesitate to take strong action, where necessary.

CG 41332 SINKING—CAPE DISAPPOINTMENT

In November of 1977, ten enlisted men being trained at the Thirteenth Coast Guard District's heavy weather coxswain school at Cape Disappointment, WA went out at night for a navigation rescue training session aboard a 41-foot UTB. Shortly after beginning the exercise, the boat was caught broadside by a large breaking wave and capsized. One man was lost outright and nine others were

trapped in the overturned hull. Seven of those inside were able to make their way to the surface thanks to the perseverance and leadership of the senior petty officer present. Unfortunately, two others could not be talked into making the dive and the dark swim necessary to escape, and went down with the boat when it sank six hours later.

As a result of this tragedy, several important actions were taken:

A Vessel Accident Analysis Board was convened to thoroughly investigate the accident. This board, modeled on the boards that meet to investigate aircraft crashes, resulted in the most complete examination of such an accident ever conducted in the history of Coast Guard vessel safety. It has been determined that such boards will be conducted in connection with any future vessel accidents of this magnitude.

Comprehensive operator's manuals for the Coast Guard's various boats will be developed and published. They will contain complete emergency procedures, standardized equipment locations and strict operational limits for various types of boats.

A boatswain's mate class "A" school has been instituted to provide more concentrated basic training for personnel who will be involved in small boat operations.

A revised Commandant's Instruction has been promulgated, setting forth complete information on rescue techniques for capsized vessels.

A Coast Guard-wide study is being conducted to evaluate existing PFD's and wet suits and to develop new protective items that will be more effective and more likely to be worn.

Radio procedures for boats reporting to unit commands during missions and training sessions have been revised.

The Coast Guard Rescue and Survival systems manual has been promulgated.

Numerous alterations are being made to the 41-footer to make it more seaworthy under adverse conditions.

DEVELOPMENT OF IMPROVED SAFETY INFORMATION SYSTEM

A comprehensive aircraft accident investigation system has been instituted that provides for a board to be convened that will ensure a complete investigation. We are currently developing a similarly comprehensive system that will require investigation boards following all major accidents, on land and sea, as well as in the air.

In addition to the attention given to investigating major accidents, there is presently in operation a system whereby all accidents are reported. Our accident records are maintained under the Safety Management Information System. This uses the Department of Transportation's IBM 360 computer to maintain and retrieve all relevant data concerning Coast Guard accidents.

The Coast Guard is presently undertaking a major study of all of its safety information systems. The purpose of the study is to determine our long-range information requirements and goals and to combine and simplify the current systems so that they may be more easily used to retrieve the information necessary to properly conduct our accident prevention efforts.

INSPECTION AND HAZARD ABATEMENT

The Coast Guard has an extensive safety and health inspection system that works together with our hazard abatement program to make our working and living environments safer. The inspection and abatement program is carried out under the directions provided in Commandant's Instruction 5100.24.

Under this program, all increased risk areas are required to be inspected twice a year, and all Coast Guard living and work areas are required to be inspected at least annually. There is good reason to carry out such extensive inspections: last year, in the course of performing 860 such inspections, we identified, through out Safety and Health Hazard Abatement Data System (SHHADS), 1,469 major hazards that needed to be corrected. These hazards are dealt with through our hazard abatement system. A computerized form is prepared by the inspector in the field and is sent to Coast Guard Headquarters, where the hazard is listed on a master computer run and monitored until it is properly abated. Serious hazards that can only be properly abated through major construction, rehab or acquisition will trigger an automatic budget monitoring function under our new system.

This new safety criterion for determination of budget items is having a real impact on the fiscal management of the Coast Guard; in the last fiscal year, 36 percent of our minor engineering construction (OG43) backlog items were safety-related. This backlog shows $8.2 million worth of such items. These are shore facility minor construction planned expenses and do not address the safety and health related construction expense for vessels. Major construction items identified so far, and expected to be expended in the next ten years, amount to $49,538,000.

We use this coordination between Coast Guard fiscal management and Coast Guard safety programs to prevent the introduction of hazards as well as to monitor the abatement of existing hazards.

One case in point might be the recently proposed acquisition from the Navy of some land in Kodiak. Because prospective budget item was reviewed using safety as well as fiscal criteria, it was determined that this land's previous use as a weapons testing range might not be appropriate to the planned Coast Guard use.

This system enables us to keep up-to-date information on the status of the thousands of efforts being made throughout the Coast Guard to protect the safety and health of our people.

CSP PERSONNEL QUALIFICATIONS

Our Flight Safety staff is made up of Coast Guard military people with extensive pilot-command experience. We have 85 officers in the field with flight safety training.

Our vessel safety staff is made up of a Coast Guard officer who has had command at sea, and one who was executive officer of a WHEC.

Our Training and Information Branch is staffed by a Coast Guard Reserve officer with command experience who is a Ph.D in education and another Coast Guard Reserve officer who is a professional writer and editor.

The head of the programs and evaluation branch was a very successful and innovative Safety and Health Manager in the First Coast Guard District before coming to Washington. In his 20 years with the Air Force before coming to the Coast Guard, the chief of the general safety staff served 13 years in the safety field and logged 8,000 flying hours.

In our shore facilities staff, we have a civilian safety specialist who is handling shore facility safety was instrumental in developing the shore facility plan when he was on special active duty as a Coast Guard reserve officer. He has a total of 8 years active duty in the Coast Guard. He also has a masters degree in Safety from the University of Southern California.

Where the expertise we need cannot be obtained through people with Coast Guard experience, we have hired professionals with the specific training required.

The head of our industrial hygiene program was with NASA before coming to the Coast Guard.

Our fire safety specialist had 20 years civilian firefighting experience and was an assistant fire chief before coming to work for the Coast Guard.

Mr. BUCHANAN. Thank you.

One more thing, Mr. Chairman. I appreciate your patience.

In your judgment, would coverage by OSHA similar to that in the private sector improve the health and safety of the Coast Guard?

Admiral STEWART. I don't quite understand. Could you rephrase the question?

Mr. BUCHANAN. Well, OSHA's power and authority in the private sector exceeds that which it has in the Government and you have a direct OSHA responsibility for health and safety.

Admiral STEWART. Yes, sir.

Mr. BUCHANAN. I wondered what you would feel about that kind of arrangement over against the present situation?

Mr. LOWRY. Sir, we have developed our internal program along the lines, in fact almost verbatim, 29 CFR 1960. And with the inspection system and the evaluation system and the instructions we have out in

the field, and the lines of authority that the Chief of Staff has, and the direct impact of our district commanders on their own field programs, we have a pretty solid handle on the safety and health situation and we have an excellent way to enforce the requirements and make sure our people comply. In our particular case, it might just be duplicating our effort.

Admiral STEWART. To summarize, we are trying to comply with the intent of the law as well as we possibly can at this point and changing the rules I don't think would really make any difference.

Mr. BUCHANAN. I am glad you are. You certainly are important toward keeping a lot of other people safe, so I do think your concern for safety of your people is very appropriate not only for your own sake but for the sake of the rest of us.

Mr. BAILEY. Thank you.

Admiral, given our recognition of asbestos as a hazard, do you plan to phase it out? Have you found a substitute?

Admiral STEWART. To my knowledge, there is no effective substitute at the present time for several of the asbestos products we use. What we are trying to do is to make sure that the asbestos we do use is installed properly, so that the fibers can't get into the airstream. One of our prime purposes in this program is to identify substitutes for hazardous materials. If we can find a substitute that does the jobs but is less toxic in a way, we will adopt it.

Mr. BAILEY. Let me ask you a second question. When you contract with someone in the private sector, who builds your ships, have asbestos requirements become a part of those contracts? Is that an issue to you folks?

Admiral STEWART. Yes, sir; in our "boiler plate" that goes along with the contract, we specify that the contractor has to comply totally with the requirements of OSHA.

Mr. BAILEY. With OSHA. Are your construction requirements along with some of the other things that you mentioned here, such as air concentration standards in excess of OSHA construction. Are your construction standards in excess of OSHA standards? Since you apparently set a standard you feel you can reach, why isn't OSHA with you? Why haven't they come to you?

Why is OSHA behind you and how far behind? Are they behind you again?

Admiral STEWART. In a shipyard environment, it may not be possible to maintain the levels that we are talking about. We are talking about a shipboard environment where people work and live without actual installation and repair going on at the time.

Mr. BAILEY. Yes, I realize that. Is that a standard that you say is in excess of OSHA's standard?

Admiral STEWART. Yes, sir.

Mr. BAILEY. Why the discrepancies, why the difference? I am sure OSHA should be on the spot to explain that more than you.

Admiral STEWART. I think perhaps we can say that we think we can achieve that standard on our units. OSHA probably has to generate a standard that can be used more broadly than that.

Mr. Doolan has something that he may be able to add to that.

Mr. DOOLAN. Sir, I think OSHA has actually proposed the point 5 standard that we are using. NIOSH recently has done another scientific review of the literature and they have recommended a point 1 fiber per cubic centimeter standard. Both agencies realize the need to reduce the level. I am not quite sure why they haven't. There may be a legislative problem that forces them to have not done it so far. I am not quite sure why they haven't done it.

Mr. BAILEY. Whatever technology is involved, your standard you feel is a reachable and reasonable one. Perhaps we should simply conclude that OSHA should be encouraged to match your standard. In this case, do you think they will?

Mr. DOOLAN. They have proposed to already.

Mr. BAILEY. Could I ask just one more very quick question. What I find interesting about the setup you have here is, unlike many Government agencies, you have set up a good safety program or safety structure in your organization. Do you have any statistics that compare your fatality and accident rates——

Admiral STEWART. No.

Mr. BAILEY [continuing]. With other Federal agencies?

Admiral STEWART. No, not at this point.

Do you think you could do that, or someone could make comparison? Mr. Lowry?

Mr. LOWRY. Yes, sir; we could draw a comparison. We have not done so to date, but I am sure we can get the information and make a comparison.

Mr. BAILEY. Thank you, Mr. Chairman.

Mr. GAYDOS. What kind of inspections do you do?

Admiral STEWART. We have a regular program in the field for inspecting each of our units. I would like to call on Mr. Dick Arnold, if I could, to answer that more specifically. He heads up our program and evaluation branch in the safety programs division and I think he probably could answer the question better than I.

Mr. GAYDOS. Allow me to ask you several questions.

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. How many people work directly under you?

Mr. ARNOLD. I have seven, sir.

Mr. GAYDOS. Full time or part time?

Mr. ARNOLD. They are full time, sir.

Mr. GAYDOS. They do nothing else but what you assign them to do?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. Could you explain to us what their assigned duties are?

Mr. ARNOLD. First of all, we are headquarters level.

Mr. GAYDOS. Seven?

Mr. ARNOLD. The seven people are. We are headquarters level. One of the primary functions in relation to inspections is to evaluate our inspectors in the field and we do that on a regular basis. In fact, we are going to visit all 12 districts this year with a team.

Mr. GAYDOS. How many inspectors do you have in the field?

Mr. ARNOLD. Sir, we have 15 or 16 safety managers and 12 D.C. chiefs. Those are the inspectors.

Mr. GAYDOS. Those are the inspectors?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. Are those inspectors full time or part time?

Mr. ARNOLD. Full time and they are professionally trained and qualified under the Civil Service Commission as safety specialists.

Mr. GAYDOS. As safety specialists?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. Does that mean they have gone to specialized schools?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. So we start with 7 at the headquarters, and roughly 14 out in the field?

Mr. ARNOLD. Closer to 30, sir.

Mr. GAYDOS. All trained, all specialized?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. And certified?

Mr. ARNOLD. Yes, sir, we have a certification procedure.

Mr. GAYDOS. How long has this been occurring?

Mr. ARNOLD. Our safety managers, some of them, have been in the field for 10 or 12 years. We have ongoing long-term programs with these people.

Mr. GAYDOS. You say some, how many are you speaking of?

Mr. ARNOLD. Half of the 30 we are talking about.

Mr. GAYDOS. When were the other half added?

Mr. ARNOLD. They were added about 2 years ago, the damage control chiefs, the military people.

Mr. GAYDOS. You go back retroactively to 1970 then. If you know, how many inspectors did you have right about the time OSHA came into being?

Mr. ARNOLD. We had 14 in the field at that time, sir.

Mr. GAYDOS. Were they qualified and trained?

Mr. ARNOLD. Yes sir, according to different standards at that time, however. They were safety professionals and we had those on board for probably 8 or 9 years previous to that.

Mr. GAYDOS. Do these inspectors go around to all the activities operations and activities installations? They would be exposed to conditions both as they relate to the active operational personnel and employed civilians, right?

Mr. ARNOLD. Yes, that is true.

Mr. GAYDOS. There is no distinction made?

Mr. ARNOLD. In our programs we don't distinguish between civilian and military at all, we just do the program.

Mr. GAYDOS. Do they go out in the field in response to a request by uniform personnel and can a civilian person make a formal technical request for inspectors?

Mr. ARNOLD. Yes sir, we have a commandant instruction 5100.24 that specifies the procedures and this is given to civilian and military people alike. There is a form for this and they may do it by telephone or any other way they like. In fact we have investigated many complaints.

Mr. GAYDOS. The inspectors are assigned to make the inspection. Of course, there is notice given out they are coming?

Mr. ARNOLD. No, sir; we do many of our inspections with no notice.

Mr. GAYDOS. With all these procedures do you think OSHA is learning something from you?

Mr. ARNOLD. I think, in some ways, we have a higher quality inspection program.

Mr. GAYDOS. How do you then explain your fantastic increase of compensation payments?

Mr. ARNOLD. I think one of the things, particularly is a general awareness among our work force of the procedures to get compensation these days. One of the things that happened in the first district, where I was a safety manager—I worked in the field 4 years before I came up here.

One of the things that happened when we did our first initial audiograms and we informed people that they had hearing loss, they immediately went across the way——

Mr. GAYDOS. What is an audiogram?

Mr. ARNOLD. A hearing test to determine how much hearing loss you have had. They immediately went across to the Office of Workers Compensation and filed a claim after we told them they had a hearing loss and we started to protect them. So I think some of this compensation increase is self-generated in the field.

Mr. GAYDOS. Are you suggesting then that the acceleration of inspections and the distribution of information plays a significant role in higher compensation claims?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. Any other factors?

Admiral STEWART. I was a district commander up in the area when Dick was my safety specialist and this kind of started in an interesting way. I had a doctor who was advising me and he suggested that we require all of our civilian personnel who were involved in the industrial area to take an annual physical examination. So, we put out an instruction that called for that. And it was interesting, many of the civilians didn't want to take that physical examination. They were afraid, I guess, that it might make them ineligible for the job they were in, if we found something wrong with them. So we made it optional. When it was made optional, a few people did come in and we found that they had a severe hearing loss. We don't know that they lost it on our job, because we didn't have a baseline to begin with. But nevertheless, they had their hearing tested and it was down sufficiently that they qualified for considerable workmans' compensation on that basis.

Once that word got around, suddenly everybody came in for the physical examination. We weren't as sensitive to the problem 20 years ago. We considered that hearing loss was not one of our most severe problems in the Coast Guard. People 20 years ago didn't take care of themselves like we try to make them today, requiring muffs and so forth when they are in a high noise environment. So that is how the increased compensation really got started.

Mr. GAYDOS. Would it be reasonable to conclude that the continuation of pay would be a factor, resulting in an increase in compensation payments and time off?

Mr. LOWRY. Yes, sir.

Mr. GAYDOS. Isn't that more a factor rather than the dissemination of information per se?

Mr. LOWRY. I would say that could be one of them, yes, sir. We have data on that if you would like us to submit it.

Mr. GAYDOS. Yes, we would like to have it.

Mr. LOWRY. We have data that specifically is for the Coast Guard and there has been quite an increase in continuation of pay and it is rather costly.

Mr. GAYDOS. We are thinking about 1978 statistical results, continuation of pay costs during the year 1978 was $290,578 as distinguished from 4 years prior thereto, where the figure was $42,525. Those things are disturbing.

Mr. LOWRY. Yes, sir.

Mr. GAYDOS. Let me ask you some practical things. Do you have walk-around rights as I mentioned before? When an inspector comes around, can civilian employees point out different things that are wrong?

Admiral STEWART. Yes, sir, they certainly can, we encourage them. we encourage representatives to go around with us, particularly the union. Dick?

Mr. ARNOLD. No, sir; except that I did it for 4 years. Every time I walked into a place I was going to inspect I found the union guy and/or the employee representative—because some areas don't have unions—and took them around and also gave them the opportunity to have a private conversation with me when we inspected and that is what we generally do throughout the Coast Guard.

Mr. GAYDOS. Are they yearly?

Admiral STEWART. The inspections or physical examinations?

Mr. GAYDOS. Physical examinations.

Admiral STEWART. We are trying to identify the hazardous jobs now that we have in the Coast Guard, noisewise, ionizing radiationwise, toxic chemicalwise and so forth, and the hazardous occupations, like painting and welding and so forth. Those people will be tagged for annual physical examinations to keep track. It is annual, isn't it?

Mr. LOWRY. Right now it is by category, because we haven't been able to survey every place in the Coast Guard.

Mr. GAYDOS. Is it my understanding then that you could have annual required examinations or are they voluntary like the audiogram?

Mr. LOWRY. The workers who are exposed to chemicals or substances that we definitely know to be hazardous, we require the examination. Once we identify the atmosphere as having a health hazard we require an examination to protect their health.

At the present time, as I say, we haven't had a chance to survey every single work area in the Coast Guard, as we have several thousand work areas, so presently we are taking employees by category of work, welders per se for example. In the near future with the medical monitoring program, we hope to be able to take individuals and not worry about categories. The effort we are working on now is to actually periodically evaluate each of the work areas where they are suspected——

Mr. GAYDOS. I want to be simplistic in my questions so the record is clear.

No. 1, you are presupposing that you have discovered toxic substances of some sort, or/and a category. If you discover toxic substances, in that case, is a yearly medical examination required? Yes or no?

Mr. LOWRY. Yes, sir.

Mr. GAYDOS. How many of these?

Admiral STEWART. When I referred to earlier, I was speaking of a first district local instruction that was not a Coast Guard-wide instruction and we are talking about 1974 in time. Things have changed since those days.

Mr. GAYDOS. But now, if a toxic substance is discovered and identified, you require a yearly physical examination of the employee?

Mr. LOWRY. Yes, sir, and we have several examples of that.

Mr. GAYDOS. Could you give me one or two?

Mr. LOWERY. If I may call on Mr. Arnold for an example of lead infestation in the blood in the first district. That is an excellent example, and benzine would be another.

Mr. ARNOLD. On regular inspection, about 4 years ago, we got an employee complaint, in one of our production facilities, about dust.

Mr. GAYDOS. Dust or lead?

Mr. ARNOLD. Dust. We took a sample of that dust and analyzed and found it contained 10 percent lead. It was the residue from abrasive blasting on buoys; the paint. We then sampled their blood and found out that we had increased blood lead levels. We went into a major engineering program to correct that and put these guys into a medical monitoring program at the same time.

Mr. GAYDOS. How did you treat that man?

Mr. ARNOLD. We did not have to treat him. The level is 50 and I forget the exact technical name. Normal is about 25. Our people were reading around 48 or 49. We caught it early. Had it gone on, we could have gotten into areas where we would have had to hospitalize people.

We took these people—I will tell you once we found out, they were more than happy to go into the monitoring program and they are still a weekly basis and talked to them about lead and we enclosed them in it, all of them, and we also gave them a lot of education. In fact, Dr. Allen, the doctor the admiral was talking about earlier, went down on abrasive blasting machine. We got them a room to change clothes in. We came right over the top of the peak and all of these people now are testing at about 25 again.

Mr. GAYDOS. What kind of personnel are performing those jobs, civilian?

Mr. ARNOLD. Those were all civilians.

Mr. GAYDOS. Did any agents of any type have to be administered?

Mr. ARNOLD. No, sir.

Mr. GAYDOS. Because of the lead?

Mr. ARNOLD. It wasn't high enough. So we had caught it early enough to stop it.

Mr. GAYDOS. In that case, is there a mandatory yearly physical inspection required?

Mr. ARNOLD. Yes, sir, for those people there is. We have also in that district——

Mr. GAYDOS. All right, would a person that refuses one be separated from his job?

Mr. ARNOLD. He would have to be removed from the work areas. We could not have him work in that area. And later, after Admiral Stewart went, we went to mandatory physicals for those people for asbestos

and for hearing also. We could not get by the union to make it mandatory for other things.

Mr. GAYDOS. You couldn't get by the union to make it mandatory?

Mr. ARNOLD. No, sir.

Mr. GAYDOS. How did you get by the union on that one?

Mr. ARNOLD. It states right in the Code of Federal Regulations in 1910 on the asbestos and on the hearing that they will have physicals.

Mr. GAYDOS. What are your intentions, if any? Has there been any policy demonstrated which would indicate as to what your procedure may be in the future along these lines as far as the enlargement and escalation of medical exams on a mandatory basis? I am very interested. The committee is interested in the mandatory basis of a medical exam. That is the reason I am asking you those questions.

Admiral STEWART. We are now in the process of surveying all of our work to find out what other areas we have that are hazardous and we will require physicals for those as well.

Mr. Doolan, could you amplify on that?

Mr. DOOLAN. A little bit. We have an extensive instruction out, if I could amplify on what Mr. Arnold said. It applies really to the Coast Guard as a whole. It takes classes of workers that we know traditionally work around hazardous materials and in hazardous environments.

It also takes people who are working with certain specific chemical materials, for instance asbestos, benzene, and it makes medical evaluations on a yearly basis mandatory for these people. There does seem to be a problem with implementing the mandatory aspect of it. I think one way that we have discussed of getting around this somehow is to write it into the position description, the individual position description, that is a requirement of the job. We have not done this yet but we have been discussing it.

It is a very critical element, I think, in a program to protect the worker and probably the reason that they rebelled a little bit, they don't realize how important it is and how much it is really oriented toward the health of the individual and the preservation of their health. I think it is an educational process, for one thing.

Mr. GAYDOS. Do you know of any case where an employee was transferred from one worksite to another because he was exposed to a toxic substance?

Mr. DOOLAN. I do not right offhand, no sir.

Mr. LOWRY. No, sir.

Mr. GAYDOS. Does anybody know of any? Is there an established procedure, do you know?

Admiral STEWART. If we found that he had been exposed to a level higher than necessary, like in the lead case, we would have taken him out of there and kept him out.

Mr. GAYDOS. Have you considered maintaining his income level as far as his job pay? If it were determined that he is exposed to lead and you had an opening to transfer him to another job that paid less, would he receive the same pay or would it be a natural consequence he would have to accept a new pay schedule?

Admiral STEWART. If he were qualified for a job that we had, we would try and transfer him into some other job.

Mr. GAYDOS. Paying the same hourly rate?

Admiral STEWART. Providing that the Office of Personnel Management rules would allow us to do it, we would try and help him.

Mr. GAYDOS. Do you have any information regarding any of your various collective bargaining agreements as far as rate retention in this type of situation?

Mr. LOWRY. I don't have any information on that, sir. We can certainly get it from our civilian personnel, but I have no personal knowledge.

Mr. GAYDOS. The committee has had information that you have had a somewhat dangerous situation that involved cleaning fluids which were used to clean aircraft engines. Would you care to respond to that?

Mr. LOWRY. I would like to have Mr. Doolan respond to that.

Mr. DOOLAN. Yes, sir, we had one particular case come to light about 6 or 8 months ago at one of our air stations in Astoria, Oreg., and we sent a team of people down to investigate. They did a complete, what you might call a mini-epidemiological investigation, looked at the worker's environment, looked at the health records of the man in question and basically the conclusion they came to, they could not pinpoint anything in the work environment that caused the problem.

Nonetheless, the problem did exist and it was substantiated in several hospitals and there was no answer at that time. We have in our plans in the coming year—as a matter of fact, it is going to start sometime in August, to do an extensive industrial hygiene evaluation of Coast Guard air stations, as a result of this particular case, in part at least to try to find out if there is anything else in other air stations that may be causing this problem or has the potential to do so.

Mr. GAYDOS. All right. Now you have employees handling that and they are specifically trained, is that right? How many industrial hygienists do you have available to you for consultation and service?

Mr. DOOLAN. As of right now we have two full time in the Coast Guard and we have authorization for two technicians and two more industrial hygienists. We have a section that tells the field how to go out and get industrial hygiene consultation.

If the safety man feels he has a health problem, he can come to us and ask for assistance or he can go to a professional industrial hygiene contractor. He can go to us or he can go to them and consult on the work environment.

Mr. GAYDOS. Mr. Lowry, do all the full-time safety and health officials, as they are spread out in their classifications, report to you? Do you analyze all reports of all personnel in the safety and health department?

Admiral STEWART. No. Actually, we have the headquarters organization which Mr. Lowry heads, and then in our district offices and other commands the safety and health professional works for either the district commander or the commanding officer of the headquarters unit that is involved.

Mr. GAYDOS. Then he in turn submits reports; is that right?

Admiral STEWART. He administratively reports to me, so in effect I am the focal point for this. Any reports they generate, which we require, come into Mr. Lowry's office and that is how he can keep abreast of what is going on, plus the evaluations that his people undertake in the field.

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Each year we go to every one of these districts and send out a team that has a multidiscipline background so they can look carefully at what goes on in the district, how they are carrying on their inspection program, et cetera.

That team will go out in the field with the safety people and watch them conduct an inspection to see if they are doing it properly. In that way he keeps track of what is going on in the field.

But the people report, as far as the chain of command is concerned, to the district commander.

When our teams of safety evaluators go out, though, every organizational box in the whole district structure is fair game if they think there is a safety problem. They are not supposed to put blinders on and only look at things that are labeled "safety."

Mr. GAYDOS. Do you think they are winning the fight in health and safety, or standing still?

Admiral STEWART. I think we are making steady progress.

Mr. GAYDOS. What about the budgetary problems?

Have you devised any type of attack on that problem so that half your budget isn't eaten up in the next 10 years in paying for compensation claims?

Admiral STEWART. We have the SHHADS system I talked to you about before. That is a listing of the various hazards in the field that have not been abated.

We have approximately $3.8 million worth of uncorrected hazards in SHHADS at the present time. We are taking action to program, to do those things, and in the interim we are requiring that the people in those units take whatever interim steps are necessary to protect themselves.

For instance, if we had a high noise environment, before we could correct the noise, we would require muffs to protect the hearing as an interim measure.

In our minor operating expense, shore construction backlog, we have about $8.2 million worth of safety-related backing items. Now, when you add those two together, because all of the $3.8 million are not in the shore area, you get about $10 million, I would guess, of safety-related items.

In our major acquisition construction and improvement program, we have a backlog that will be taken care of, as money comes to us over a period of time, that is $49 million. I would like to emphasize that those are not totally safety items. They are safety-related.

As an example, if you had a dock that had an area that was unsafe, we would either repair that dock temporarily to make it last until we could make a major AC & I acquisition of a new dock, or rope it off and keep people from going in that particular area, some kind of an abatement procedure like that.

I want to emphasize that I am not here saying I need $60 million tomorrow to comply with OSHA, but that is the kind of a backlog that we have in our system at the present time with regard to OSHA-related, safety-related items.

Mr. GAYDOS. Could you supply for the committee a breakdown for the last 4 years of the amount of money expended for (1) safety and health programs for civilian employees and (2) funds spent to improve safety and health work generally?

The committee would like to have some information as to what portion of your budget has been assigned directly and been able to conclude indirect costs.

Admiral STEWART. Sometimes that is very hard to weed out. Going back to my experience in the first district when Mr. Arnold was my safety man there, he found we had several cranes he considered to be unsafe. He said, you can't use them any more.

We decided to replace them. They were old to begin with. I don't feel it is reasonable to charge that whole thing off against safety. We probably could have done some repairs to the cranes to make them safe.

So, it is very difficult to come up with the number that you are talking about and say that this is a safety item. Those cranes that we replaced cost us about $250,000. It was not a small dollar item. Safety triggered it and it was important.

Mr. GAYDOS. I understand that it would be difficult to ascertain what portion, if any, of the cost of that replacement crane should properly be attributable to the health and safety, but I think we have enough procedure now that we can differentiate between that expenditure, as to what portion should be attributable to safety and health.

We have found the service is no different than private employers. We are not here suggesting that you love every bit of OSHA or OSHA-related standards. We understand the requirements as they pertain to your operation and where you have to put your priorities. We understand that.

But we are dealing with human lives, with people, bread earners. It is probably the unpopular responsibility of this committee to instill a conscience in our services, in our Government operations, and in our civilian employers. It is a problem.

We understand the profit motive in our society, in and out of the services. The information we ask from you is primarily for that purpose.

I think I state the position of the committee, Mr. Buchanan, rather accurately.

Mr. BUCHANAN. They certainly seem to have substantial concern in that area, though, I must say, from their responses and what we have heard.

Admiral STEWART. Mr. Chairman, if I could amplify a little bit on lifting and weight handling devices.

For many years, ever since I was an ensign, we have had a requirement to weight test. In other words, we specify what load this device should be able to carry, and we put a load on it that is a safety factor above that. It is required to be tested periodically. I think it is annually. We put a load on them and test them with a load that is heavier than their rated load, once annually.

Did you have anything you wanted to add?

Mr. LOWRY. In identification of projects, our system of identifying hazards and getting them abated is integrated with our engineering procedures. When a project is identified, we have what we call a multiple attribute rating system where there are about 10 factors rated to give it priority.

We can identify each project by the factor that originated it, that created it. These are identified as having occupational safety and

health as the key factor that generated them. Then, with a little more effort, we can break it down even further.

Mr. GAYDOS. I don't want to give you an insurmountable task. If you have figures, give us what you have and let us have the responsibility of utilizing them if we can, for the purposes they have been submitted.

You mentioned a figure of about $3 million for funding for compliance with standards in your annual report to the President on occupational safety and health for the Coast Guard. Were you talking about Coast Guard standards, OSHA standards, or a combination of both?

Mr. LOWRY. This was a combination of both. There are certain cases where the OSHA standards really don't cover some of our operations, and they were not meant to, so we have to have our own standards in those areas. That is a combination figure and it has grown considerably since then.

Mr. GAYDOS. Is that a projected figure, or are you just talking about now?

Mr. LOWRY. That was just now, sir.

As our inspections come in and as our abatement plans and our SHHADS system identifies these, they are keyed over to the engineering system and it is a growing cumulative list.

Mr. GAYDOS. In the 1978 report, there are 11 Coast Guard standards currently in draft forms that apply to fire prevention, hazardous substances, machine tools, et cetera. Notice that these standards have been under consideration for some time. That was one of the conditions.

Are they comparable to, or do they exceed, OSHA's standards, if you can draw a comparison.

Mr. LOWRY. I would say in most cases, sir, they exceed.

Admiral STEWART. We are about ready to put out our fire protection standards.

Mr. LOWRY. Yes, sir, we finished that.

Mr. GAYDOS. You are about ready for it?

Mr. LOWRY. In the coordinating process, the admiral requires that every single element in the Coast Guard headquarters who would have any input look at it and evaluate it, and we have to discuss it so we don't create any unnecessary procedures or requirements on our people, but give them the best protection we can.

Mr. GAYDOS. Are they new standards or consensus standards that have been in existence for some time?

Mr. LOWRY. It is a combination of both, sir.

Mr. GAYDOS. At the present time, when you say a combination of both, you say you have picked up some old standards and you have refined them? Would that be a correct descriptive term?

Mr. LOWRY. Yes, sir; we have taken some of the old OSHA requirements that came in 1971 that we felt had to be updated. They were no longer applicable. They didn't give the degree of protection we thought they should because of changing technology.

Mr. GAYDOS. Are some of your standards still consistent with OSHA standards?

Mr. LOWRY. Yes, sir; some are identical. Until we can replace an OSHA standard with one more applicable to us or that gives better protection, we continue to use the OSHA standards.

Mr. GAYDOS. Prior to the beginning of OSHA, what did you have in lieu thereof? Did you have your old standards? Were OSHA standards picked up? Were they consensus standards of your own? Were they new or original?

Admiral STEWART. We had safety standards. We borrowed very heavily from the Navy in the ship area. The NAVSHIPS technical manual has requirements for safety. We had our civil engineering manual, which laid down safety requirements for construction at shore facilities. So we had some standards, but they were probably far from what we have today.

Mr. GAYDOS. What about your civilian employees? Could you tell me, if you know, whether or not most of them, or what percentage, are represented by collective bargaining agreements or organized labor?

Mr. LOWRY. I can't answer that question.

Mr. GAYDOS. Do you have any information on that?

Admiral STEWART. We can provide that for the record.

Mr. GAYDOS. Do you deal with labor organizations at all?

Admiral STEWART. Yes, sir, we do.

Mr. GAYDOS. How do you deal with them; on a district or regional basis, or do you have some central type of thing?

Admiral STEWART. Here at headquarters we deal directly with the same union that the Department of Transportation deals with, but we deal with it separately from the Department.

In the field, although the union may be the same in many cases, the district commander has his own negotiating team that works with the union.

Mr. GAYDOS. Is there anybody here with you today who would be able to tell us the basic contents of these labor agreements; how they handle grievance procedures, walk around rights, et cetera?

Mr. LOWRY. No, sir. I can give you a general answer.

That is handled through our labor management people and we provide specialized input to them and assist them, but we don't have that directly.

Mr. GAYDOS. How about safety committees in general?

Mr. LOWRY. There we do have union representation.

Mr. GAYDOS. Do you know how often these committees meet? Are they mandatory to meet once a month, or are they strictly discretionary?

Mr. LOWRY. No, sir. It is mandatory that they meet once a month.

Mr. GAYDOS. How about the oft-repeated problem we have heard as a committee that equipment and safety equipment may be supplied, but it is not used? It seems that the people refuse to use it, regardless of the type of equipment.

Do you find that a difficult problem, or is it a problem at all?

Mr. LOWRY. It is a difficult problem to provide people with safety glasses and hardhats and other devices. It takes constant supervision to make them wear them.

Mr. GAYDOS. What do you do right now?

Mr. LOWRY. As an example, our supervisors at the Coast Guard yard, that is a constant problem for them. They handle that directly. They can take disciplinary action if a person refuses to wear them.

Mr. GAYDOS. They do take disciplinary action?

Mr. LOWRY. Yes, sir; they have that authority, and I can cite a couple of cases at the yard where this has happened.

We have a safety staff at the yard that monitors and handles this. There are four people there, sir.

Mr. GAYDOS. Are you talking about uniform personnel, civilian, or both?

Mr. LOWRY. Both, sir.

Admiral STEWART. We really treat both alike, even though I know you are interested in the civilian end, but the same rules apply in both cases.

Mr. GAYDOS. I was wondering how you would discipline a civilian employee, for instance, if he refused to use safety glasses on a grinding machine. You see, that is the problem.

Admiral STEWART. Perhaps we could supply that for the record. I don't think we have anybody here who can answer that directly.

Mr. GAYDOS. You say you have roughly 30 inspectors and 7 or 8 in high command. That is their full-time duties, they are not part-timers, are they?

Mr. ARNOLD. No, sir; they manage a program as well. The inspection is only half of it. The managers are also charged with getting the hazards corrected in the field.

Mr. GAYDOS. They are in health and safety?

Mr. ARNOLD. Yes, sir, they are full time.

Mr. GAYDOS. They don't just contribute 20 percent of their time, but they are full timers?

Mr. ARNOLD. Yes, sir.

Mr. GAYDOS. And if the budget would warrant it, there would be more of them there? Is that it?

Admiral STEWART. If we had the capability, we would probably put at least one more in each district. We have 12 districts and I think that we could really use one more inspector in the health and safety program in each district.

Mr. GAYDOS. What is the relationship of the Coast Guard with respect to the Office of Safety Programs and OSHA?

When I asked you that before, I asked you how you interact with the Army, Air Force, and Navy. What is your present position? I would like to have a candid response, if I may.

Admiral STEWART. I think we have excellent relationships with OSHA. We have been the first one to submit a couple of Federal plans. One of them is in our training and education area. We were the first agency to come up with a Federal plan in that area.

We also were the first in the occupational health area to submit a plan to OSHA for approval. I think we were the first Federal agency to do that as well.

Mr. GAYDOS. How are you getting along with the divers in the safety and health aspect of the deep sea diver?

Admiral STEWART. You are getting in the regulatory end again which is not an internal Coast Guard safety program, so I am not really competent to answer that question directly.

If you have a question, though, we would be happy to furnish it for the record.

Mr. GAYDOS. Could you give us some information regarding deep sea divers? What percentage are civilians? Who trains them? In the end who do they work for?

Admiral STEWART. I would like to furnish that for the record. I think it would be better.

Mr. GAYDOS. Would you give us a breakdown as to how many we have estimated in numbers, the type of work they do, who their immediate employers are, how many the service retains, where their training originates, and is there an ongoing training program for divers?

Admiral STEWART. With regard to the Coast Guard itself, or are you talking about civilian firms?

Mr. GAYDOS. Civilian and Coast Guard.

Admiral STEWART. You mean people that we would hire under contract as civilians?

Mr. GAYDOS. For instance, if you have a ship that sunk, to determine the most feasible manner of lifting that ship, do you use your Coast Guard service deep sea divers or do you contract it out to an on-shore firm that specializes in that type of salvage?

Admiral STEWART. We had two recent examples of that. One was the *Cuyahoga* which sank in Chesapeake Bay and we hired the Navy to raise it for us and they used their own divers and equipment for that purpose.

In another case we had a small boat that sank off the Oregon coast and the Navy recovered that for us as well. In the most recent two cases that I can think of we have gone to the Navy for the equipment and expertise.

Mr. GAYDOS. Would there be interdepartmental reimbursement for costs?

Admiral STEWART. We reimburse the Navy for their costs, yes, sir.

Mr. GAYDOS. And you have no problems with OSHA on divers' health and safety standards per se?

Admiral STEWART. Not as far as the Coast Guard is concerned, and I cannot speak to the regulation area of it. If you want that we will have to supply it for the record.

Mr. GAYDOS. Let us have the special standard that you have and how you come about to it and what changes you have made in it for the last 3 or 4 years.

There have been accusations made, I will be very frank with you, that none of the services, and particularly Government employers generally, have responded to the intent and purpose of the 1970 Health and Safety Act.

That is why I am asking a lot of these questions to determine whether what you have done is particularly correct, whether there has been an intent and authentic desire to cooperate and respond to the requirements as far as civilian employees and your own personnel.

That is the reason why these questions are being asked.

Admiral STEWART. I know our Office of Merchant Marine Safety is working in the diving regulations area, but I am not that close to it to be able to answer here today.

Mr. GAYDOS. Do you get many reports from your employees as far as existing hazards?

Mr. LOWRY. Yes, sir; we directly handled five through our office. Normally they are handled at the district level and never get to the headquarters level, sir.

Mr. GAYDOS. Is there a procedure to channel and funnel those complaints up to responsible people to make ultimate disposition of them?

Mr. LOWRY. Yes, sir. Our requirements are that within 5 days from the time the complaint comes in we must have somebody at that location to look into that complaint and make a decision whether or not it is valid. Also, the person who reports it may remain confidential.

Then we have to get back to that person and let him know whether or not we think it is valid and try to satisfy him. If he is not satisfied, he can come directly to the chief of staff, to the Commandant of the Coast Guard, Secretary of Transportation or straight to OSHA.

Mr. GAYDOS. How is your relationship with the unions?

Mr. LOWRY. We have an excellent relationship. We don't deal directly with them as a union. Again, that goes through the labor-management relations.

Mr. GAYDOS. Again, that is where it goes?

Mr. LOWRY. Yes, sir.

Mr. Buchanan, do you have any questions?

Mr. BUCHANAN. No, Mr. Chairman.

Mr. GAYDOS. All right; you do state that you are making significant progress toward implementing the OSHA statute.

So for the record, could you again refer to the innovative approaches in the safety and health program that the Coast Guard is presently taking?

It is very important to get that into the record.

Admiral STEWART. I think our training and education and development program that I referred to earlier, that we were the first Federal agency to come in with, is one example of an innovative program.

I think the new accident reporting system that we are developing with the Department of Transportation is another example. It is being operated on a single district basis right now up in Boston, the First Coast Guard District. I think that will eventually probably replace the whole Department of Transportation management system as far as safety is concerned.

I think that I could cite that as an innovative program.

We have a system in the Coast Guard of responding to accidents which is not unique to the Coast Guard because other military services use it but it may be unique in a way, since we have expanded it to vessel and other types of accidents.

What it amounts to is that when there is an accident, if a formal board of investigation is held in accordance with the UCMJ, which is the disciplinary end of things, people generally take the fifth amendment and don't want to talk and tell you what happened.

So we have made extensive use of what we call accident analysis boards. If we had an airplane go down or a boat accident, or a ship accident that we wanted to investigate, we would draw upon expertise in the service, but not at the command that had the problem, and convene an accident analysis board to look into all the facets of what happened.

The people that are called there can say exactly what happened without worrying about it ever becoming a part of a disciplinary proceeding.

As an example, if a pilot knows in his own heart that he made a pilot error that caused the crash he probably wouldn't admit that if we went before a court-martial. But in this forum he can say

exactly what happened without worrying about whether this is going to come back to haunt him.

We found that this has been very effective, that people are willing to open up in a situation like that and tell us what really went wrong. While we cannot use it against him, and don't want to, we can use it to try and take action on our part to prevent a similar accident in the future. It may lead to training that would make the pilot more aware of that particular failure occurring in the airplane or something like that.

So we are applying that now to ship and boat accidents and we will also apply it to appropriate shore accidents.

Now, when those boards are complete they go in a confidential way to the district commander who has responsibility over that particular unit and he endorses it. Then it comes up to my office and we appoint a Coast Guard board of people that can also be drawn from outside the Coast Guard but mainly of the people that are experts in the area.

They are at headquarters. They look at it and the major view here is not disciplinary at all but to find out what really went wrong and to tell us what they think we should do to correct it in the future.

Once that comes back up to me for approval it then goes down to Mr. Lowry's shop and he closes the loop to make sure that the recommendations of the board are acted upon so that we don't drop the ball at that stage of the game.

So I think that is an innovative program.

Our safety and health hazard abatement system, the SHHADS that I referred to earlier, is also an innovative program on our part because it helps us to keep track not only of the hazards in the field but to monitor their progress toward abatement.

Do you have any that you want to add to that?

Mr. LOWRY. No, sir; I think that generally covers it.

Mr. GAYDOS. Permit me to ask you a few concluding questions.

What type of quality assurance program does the Coast Guard currently enforce in relation to labeling of toxic or dangerous substances?

Mr. LOWRY. About 2½ years ago we were the first Federal agency to go back to GSA and request that they put out the hazardous labeling, the data sheets. We ended up with 2,000 of them. For specific information on how that program works and how we insure the quality, Mr. Doolan managed that area.

Mr. DOOLAN. Yes, sir; we have a number of requirements in the occupational health program for identifying these materials in a work environment. Also, for getting the material safety data sheets on the products that you are interested in.

Mr. GAYDOS. In identifying, do you have qualified expert personnel working on it? Where do you go to get your identification?

Mr. DOOLAN. We depend on the commands in the field to identify them in their own work environments assisted by the safety and health manager as he comes along on his bi-annual evaluation.

What we intend to do on a priority basis, as I mentioned before, we have several comprehensive studies in the making.

For instance, when we have these industrial hygiene people go into air stations that is going to be a high priority to identify those hazardous materials used, hoping in the long run we may be able to standardize the use of certain ones from air station to air station.

Mr. GAYDOS. I believe the admiral had mentioned approximately 1,400 hazards, of which a possible 600 would be identified, labeled and you had had some corrective standards and actions taken pertinent thereto.

What about the balance of them that you have identified but have not found an acceptable, reasonable solution to them? Are you working on those?

Admiral STEWART. Yes, sir.

Mr. GAYDOS. How will you be doing that?

Admiral STEWART. They were not all toxic substance cases. These were all safety and health problem areas. Some of them may not be toxic materials but we will be working on these things as we can find the dollars to do it.

In the interim, I might add that they are not just continuing to operate in an unsafe environment. We lay on requirements to require them to perhaps go out of their way in some other way like put on muffs in lieu of being in a soundproof booth or something like that to protect themselves.

Mr. GAYDOS. Has your procedure as far as toxic substances are concerned taken on the form of tests or on the form of labeling?

How far have you gone in your procedure to identify, isolate and, of course, standardize a toxic substance report or list?

Mr. DOOLAN. This is, as you might recognize, a major problem in the Coast Guard. We are, I would say, at the beginning of trying to solve the problem, if I can put it that way. We are in a position now where we can begin implementing the program that we have set up.

I think once implemented it will provide very good protection for the people. The requirements are out there. We have the resources. We are about ready to implement the program.

Mr. GAYDOS. Can you give me an inkling about what your attack is going to be?

Let's take a look at a mislabel or a situation where substances of a very dangerous nature do not appear on the label or substance.

What is your attack as far as ferreting out that danger?

Mr. DOOLAN. I think right now that has been an area where we have been trying to encourage the Government agencies that supply the materials to get involved, in particular GSA and DSA, finding perhaps a more effective way to handle it.

We have been trying to encourage these people to address this problem area. In particular, the DSA—through the Defense Logistics Agency. I don't know whether you are aware of it, but they have a fairly sophisticated material safety data system, which is computerized, which they are trying to feed in their information, GSA procedure and GSA-product data provide this information to the Federal Government across the board.

Certainly labeling would be one aspect of that system but we have no internal program to do that right now.

Admiral STEWART. You are zeroing in on a tough problem. If the can comes and the label says there is ethylene glycol in it and it turns out to be tricholorethane, unless somebody can recognize the scent and throw up the red flag, the problem will go uncorrected. We don't have a program to sample everything that we use to make sure the right thing is in the right can.

Mr. GAYDOS. I think I speak on behalf of the committee and the committee does not expect you to have that expertise. I am asking you the questions so the record will be clear.

I understand there are certain things you can't do. You don't have chemists available to check on the GSA. The GSA makes a lot of errors starting from providing building space.

So I am asking you so we can again discern between where your responsibilities should lie, where you should be supported, your approach to these problems and where we should properly and rightfully look to other sources for the solution.

That is why I am asking these questions.

Mr. LOWRY. We have found that the data sheets coming from GSA do not provide sufficient data.

Mr. GAYDOS. If they do, they probably have some serious errors in some respects too.

Mr. LOWRY. One of the major problems we find in some of our units that is widespread, is where they buy products off the market and even though we write the manufacturer, we can't really get the information we need.

Mr. GAYDOS. Would you submit for the record any samples you might have in order that we may be in a better position to advise the GSA?

I want to say in all fairness to the GSA, which is probably subject to a lot of authentic criticism, they do a lot of good, too, under somewhat difficult circumstances. But we are trying to zero in on the problem and solve the problem.

We are not feeling obligated to having to pass out bouquets every place. So if you would make available for the record situations on this particular point, it may help us to again pinpoint the problem and hopefully make arrangements to have the proper people solve them.

Admiral STEWART. We will be happy to, Mr. Chairman.

Mr. GAYDOS. Are there any other questions?

Mr. BUCHANAN. No, sir; you have been very thorough.

Mr. GAYDOS. I want to thank you very much for your patience and time and the preparation that I know went into your getting ready to testify before us.

This is not an adversary proceeding. We are here to try to gather as much information as we can.

I want to commend you on a job well done and your supporting personnel for the knowledge and instantaneous responses.

I think it is an indication of a sincerity which you have testified to as to, one, the recognition of the problem and, second, your desire to want to solve it and to help solve it.

So, Admiral Stewart, I want to thank you and Mr. Lowry for your presence.

If you have any additional information that you think might be of interest, help or assistance to the committee, we definitely would welcome that information and make it part of the record if it is presented to us in a timely fashion.

Thank you very much for your appearance. You will be hearing from us again.

Admiral STEWART. Thank you, Mr. Chairman.

Mr. GAYDOS. The subcommittee will stand in recess until Monday, July 23, at 9:30 in the morning, at which time the subcommittee will resume its oversight hearing on the occupational safety and health of the Federal employees.

Representatives of the Department of Transportation, FAA, and the other residual agencies will appear before the subcommittee at that time.

Until the stated date the committee will stand adjourned.

[Whereupon, at 11:40 a.m. the Subcommittee on Health and Safety of the Committee on Education and Labor adjourned, to reconvene Monday, July 23, 1979, at 9:30 a.m.]

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

MONDAY, JULY 23, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2261, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos and Bailey.

Staff present: Paul F. Dwyer, counsel; Rebecca Davis, research assistant; Edie Baum, minority counsel for labor; and Dorothy Strunk, minority legislative associate.

Mr. GAYDOS. The oversight hearings of the Subcommittee on Health and Safety will be in order.

This morning we are continuing with our oversight hearings into the occupational safety and health of the Federal employee. Appearing before the subcommittee this morning are representatives from the Federal Aviation Administration.

A week ago we heard testimony from the Coast Guard. Both of these organizations are in the Department of Transportation.

Later this morning we will hear testimony from witnesses who will discuss occupational safety and health with respect to the other agencies within the Department of Transportation.

Let the record show Mr. Bailey is here; we have counsel here; and as other members of the committee arrive, they will be recognized for the record.

At this time, I wish to welcome Mr. F. E. Whitfield, Director of the Federal Aviation Administration.

Welcome, Mr. Whitfield. Would you for the purpose of the record identify those who are with you.

STATEMENT OF F. E. WHITFIELD, DIRECTOR OF PERSONNEL AND TRAINING, FEDERAL AVIATION ADMINISTRATION, ACCOMPANIED BY GEORGE SMITH, ACTING CHIEF, OCCUPATIONAL HEALTH DIVISION; AND ALBERT B. RANDALL, CHIEF, LEGISLATIVE STAFF, OFFICE OF THE CHIEF COUNSEL

Mr. WHITFIELD. Yes, sir. On my right is Dr. George Smith, from the Office of Aviation Medicine, FAA. On my left is Mr. Albert Randall, Chief of the Legislative Staff from the Office of the Chief Counsel.

Mr. GAYDOS. Without objection, Doctor, your testimony as submitted to the committee will be made a part of the record in the format as presented. If you have any request as to additional material or information you want to include into the record you may ask for it and proceed in the manner you deem best suited for yourself.

Mr. WHITFIELD. Thank you.

Mr. Chairman and members of the subcommittee:

We appreciate this opportunity to appear before your subcommittee to discuss with you the Federal Aviation Administration's occupational safety and health programs.

As you may recall, FAA southern region representatives appeared before you approximately 2 years ago with regard to the Federal workers' compensation program which is administered by the Department of Labor, Office of Workers' Compensation Programs—OWCP. Accordingly, you are aware of some of the concerns expressed by the southern region regarding our employees' safety and health and the need to implement effective occupational safety and health programs as well as to reduce workers' compensation costs.

Within the Department of Transportation, the FAA is somewhat unique with regard to occupational safety and health. Unlike other model administrations within the Department, the functional responsibilities of occupational safety and occupational health are not combined, but are located in different offices. The responsibility for occupational safety is located within the Office of Personnel and Training, of which I am the Director. The occupational health function is the responsibility of the Office of Aviation Medicine, which is represented today by Dr. George Smith, who within the past month has been assigned duties as Acting Chief, Occupational Health Division. While this separation of responsibilities necessitates close coordination between the two offices, we have found this organizational arrangement to work satisfactorily.

We believe that the FAA has achieved significant program accomplishments since the issuance in 1974 of Executive Order 11807, Occupational Safety and Health Programs for Federal Employees, and the Department of Labor's OSHA regulations contained in 29 CFR part 1960. Agency program directives implementing the requirements of the executive order and DOL guidelines have been issued. We have periodically reviewed and revised these documents as our experience with the occupational safety and health programs has grown and as changes have become necessary to more effectively manage the programs. Our program directives have been provided to the subcommittee as a part of the Department's annual report to the Secretary of Labor for calendar years 1974 through 1978. I would like to emphasize that, during the course of developing or revising any of our program directives or safety and health standards, we coordinate with, and solicit the comments of, the labor organizations representing FAA employees to insure employee input in the development and operation of the programs.

Among our accomplishments, we have developed safety and health training programs. For example, a 1-week course for inspectors at our Management Training School in Oklahoma has been attended by

nearly 1,000 employees, and we have developed inspection and hazard abatement programs to identify safety and health deficiencies in our facilities. In calendar year 1978 over 6,600 workplace inspections were performed. Those workplaces having increased risks are required to be inspected by a safety engineer or specialist at least twice a year. Low- or limited-risk workplaces, which comprise the majority of our facilities, are inspected on an annual basis by trained safety inspectors as a collateral duty. In addition to these workplace inspections, 175 extensive environment surveys were conducted by FAA industrial hygienists.

The abatement of hazards is initiated by two principal means. The first is by the routine inspection of agency facilities, which I have briefly discussed. The second means is a national abatement program developed to correct common deficiencies existing in standard designed FAA facilities which have national impact. Included in the national abatement program are deficiencies identified as a result of contracted safety and fire protection engineering surveys of typical standard design facilities, as well as deficiencies indentified during the course of safety and health inspections conducted during the past several years. For example, through this program we have identified and funded from the national level certain types of personal protection equipment determined to be advisable at many designated types of facilities throughout the country.

The FAA, as other administrations within the Department, adopted OSHA safety and health standards as interim agency standards. To better provide for the safety and health of our employees, we have developed new standards or modified OSHA standards to meet specific agency needs regarding personal protective equipment, fixed and portable ladders, safety climbing equipment, and life safety and fire protection requirements for air traffic control towers and other facilities. These standards are also included as a part of the DOT annual reports to the Secretary of Labor. As mentioned previously, these standards were coordinated with the various labor unions representing agency employees prior to their issue.

With regard to our injury, illness, and accident experience, our Federal Employment Compensation Act—FECA—costs continue to be high. However, the rate of cost increases is decreasing. This is evidenced by the fiscal year 1978 FAA chargeback cost increase of 16 percent versus an increase of 22.6 percent for fiscal year 1977. We believe that much of this decrease can be attributed to our having worked closely with the OWCP at both the national and local levels to gain a better understanding of each agency's programs and to reduce overall costs wherever warranted. Close coordination between the FAA injury compensation officers and the OWCP claims examiners, as well as between respective investigative staffs and medical personnel, has resulted in the adjudication of claims based on more substantive and factual information than may have been the case in the past.

Data contained in the enclosed exhibits illustrates our injury, illness, and accident experience and cost. A comparison of the FAA's injury/illness incidence rates and motor vehicle rates with those of the total Federal Government are displayed in exhibit A.

Exhibit B is a comparison of the FAA injury/illness experience with that of the total Federal Government.

Our FECA chargeback costs are depicted in exhibit C.

Information regarding the number and types of compensation claims, and claims for continuation of pay, are contained in exhibits D and E respectively.

As is apparent, while the FAA incidence rates compare favorably with the total Government rates, our compensation costs are high. We believe much of our incurred costs are the results of the problems which we have experienced in the past both within the FAA and with FECA to which we have testified before your subcommittee. However, we understand that OWCP has initiated actions to remedy many of the problems with which we are concerned and that these actions should help to reduce our overall costs. In addition, as I have noted, we are continuing to work with OWCP to minimize our compensation costs.

I think it is important to point out one major activity we are engaged in at the present time. In order to monitor the health status of our work force, we are in the process of establishing a computer-based employee health information system. Using a newly acquired medical data base management system, we will be able to keep track of all medical actions which affect the work status of our employees. Once our data collection procedures are established, we will be in a much better position to systematically collect, record, summarize, and analyze the health changes, both illness and injury, associated with the work environment. This capability will be of substantial assistance to us in fulfilling our obligation to identify work-related health problems and to offer greater protection to our employees from the causes.

It might be helpful before I close to describe the composition of our work force and some of the potential hazards to which they may be exposed while performing their work.

The FAA employs approximately 57,000 persons. Nearly 27,500 of our employees are air traffic control specialists, most of whom work at airport traffic control towers, en route control centers, and flight service stations. Our electronics and maintenance technicians number about 9,300 and comprise our second largest occupational group. Additionally, we employ about 2,000 flight safety inspectors and 330 pilots. The remaining nearly 17,000 employees work in a variety of other type positions.

The most serious potential hazards to which FAA personnel may be exposed are generally those to which our electronics and maintenance technicians may be exposed. Typically, these employees perform work on and around high-voltage electronic and electrical equipment; and often they may be required to work at great heights, for example, when performing maintenance on communications towers. Also, these employees maintain and work around equipment which produces both ionizing and nonionizing radiation. This necessitates establishing safe operating procedures and equipment interlock systems to prevent personnel exposure to radiation. Additionally, we monitor these work

areas by performing radiation surveys and in some cases implementing film badge programs. Other sources of injuries are those normally associated with maintenance activities.

We have also identified the presence of asbestos in the construction of some of our facilities such as our en route control centers, as well as Dulles International Airport. However, I wish to point out that where we have identified a potential asbestos problem our industrial hygienists have surveyed the facilities or we have arranged for an outside agency such as the National Institute of Occupational Safety and Health to perform the health surveys. To date none of these surveys has substantiated any hazard to our employees, or the general public in the case of Dulles International Airport, from asbestos.

While I have described some of the hazards of greatest concern to us, it is important to remember that the majority of our personnel work in an environment more easily equated to that of an office environment.

The FAA is striving to provide each of our employees a safe and healthful work environment. We are fully aware that it is a continuing and demanding endeavor, but one to which we are committed.

Mr. Chairman, that completes my prepared statement. We will be pleased to respond to questions you may have at this time.

[The exhibits referred to follow:]

EXHIBIT A

COMPARISON OF FEDERAL AVIATION ADMINISTRATION AND FEDERAL GOVERNMENT OSHA INJURY/ILLNESS INCIDENCE AND MOTOR VEHICLE ACCIDENT FREQUENCY RATES

OSHA INJURY/ILLNESS INCIDENCE RATES[1]

Year	FAA	Total Government
1974	2.57	4.4
1975	2.46	5.4
1976	2.00	6.5
1977	1.87	6.4
1978	2.42	

[1] OSHA injury incidence rates=Number of injuries and illnesses × 200,000÷total man-hours worked.

OSHA MOTOR VEHICLE ACCIDENT RATES[1]

Year	FAA	Total Government
1974	4.5	13.1
1975	3.9	7.8
1976	5.1	6.6
1977	4.5	5.5
1978	4.6	

[1] OSHA motor vehicle accident frequency rate=Number of motor vehicle accidents involving $100 or more damage × 1,000,000÷total miles operated.

Source of information: "Occupational Safety and Health Statistics of the Federal Government," Office of Federal Agency Safety and Health Programs, OSHA, U.S. Department of Labor.

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Exhibit

Comparison of Federal Aviation Administration and Total Federal Government Occupational Injury/Illness Cases

Calendar	Injuries/ illnesses	Fatalities	Average number employees	Percent increase or decrease in injuries/illnesses
	Total Government[1]			
1974	121,052	104	2,778,679	
1975	149,493	108	2,794,005	+23
1976	174,989	122	2,852,818	+17
1977	182,781	131	2,982,906	+4
1978				
	Federal Aviation Administration			
1974	1,408	3	54,669	
1975	1,370	5	56,094	−2
1976	1,163	4	57,861	−15
1977	1,133	1	58,094	−2
1978	1,487	2	57,409	+31

[1] Source of information: "Occupational Safety and Health Statistics of the Federal Government," U.S. Department of Labor.

EXHIBIT C.—FEDERAL AVIATION ADMINISTRATION FEDERAL EMPLOYEES' COMPENSATION CHARGEBACK COSTS

Fiscal year	Costs	Increase over prior year	Percent
1978	$36,184,183	$5,765,578	15.9
1977	30,418,605	6,885,867	22.6
1976	23,532,738	8,703,304	37.0
1975	14,829,434	5,442,808	36.7
1974	9,386,6[illegible]6	2,490,731	26.5
1973	6,895,895		

Note.—Actual costs incurred by the FAA, including a pro rata share of unidentifiable costs which the Department of Labor bills to all agencies. Payment of these costs by the FAA to the Department of Labor after they were incurred.

EXHIBIT D.—STATISTICAL SUMMARY OF OWCP CLAIMS

	Fiscal year							
	1972	1973	1974[1]	1975	1976	TQ[2]	1977	1978
Total number of cases for which payments were made[3]	1,383	(4)	1,925	2,312	3,025	(4)	3,517	3,925
Amount of increase over prior fiscal year				387	713		492	408
Percent increase over prior fiscal year				16.7	23.6		14.0	10.4
Total number of claims for compensation filed	242	276	259	603	524	247	556	411
Total number of claims disapproved	17	23	29	40	11	25	77	109
Number of claims filed by air traffic controllers	162	207	194	447	418	178	392	262
Number of air traffic controller claims disapproved	13	16	21	28	7	20	60	75
ATC disapproval rate (percent)	8	7.7	10.8	6.3	1.7	11.2	15.3	28
Number of claims filed by all other than ATC	80	69	65	156	106	69	164	149
All others disapproved	4	7	8	12	4	5	17	34
Disapproved rate for all others (percent)	5	10	12	7.6	3.7	7.2	10.4	22
Number of air traffic controller "stress related" cases filed	136	149	153	332	329	162	347	219
Number of all other "stress related" cases filed	14	14	22	54	48	21	66	52

[1] The Federal Employees Compensation Act (FECA) was amended in 1974. The obvious difference between claims filed in 1974 and 1975 appear to relate to those amendments.
[2] Transitional quarter: July 1, 1976 through Sept. 30, 1976.
[3] Cumulative since Dec. 1, 1960 (obtained from Department of Labor).
[4] Unknown.

Note.—The field inputs show quite a few cases pending, therefore it is not feasible to show a ratio between cases approved and disapproved.

Mr. GAYDOS. Thank you very much, Mr. Whitfield.

How many industrial hygienists have you employed on a permanent basis and what are their areas of responsibility?

Dr. SMITH. Four. Two are located in the office of Aviation Medicine in Washington headquarters, two in the Civil Aeromedical Institute in Oklahoma.

Their responsibilities are to assess the work environment of our employees; to identify hazards that result from environmental conditions; to recommend procedures for removing those hazards or for protecting our employees against the hazards; and to assist in the inspections which take place, to make sure the procedures are observed.

Mr. GAYDOS. Would you or Dr. Whitfield have an opinion as to the sufficiency of the four?

Mr. WHITFIELD. As I am certain any Federal bureaucrat appearing before you would be quick to respond, "I could do more with more people." However, I would point out for the record in the case of FAA it is my opinion the FAA is doing a credible job in this area.

Mr. GAYDOS. How long have they been with you? Has any person been hired recently, and what is the longest length of time one has been with you? Are they newly acquired?

Dr. SMITH. No. The most recent one was acquired within the past year in the Office of Aviation Medicine. The one who was there had been there for 8, 10, or 15 years. Actually he has been with the FAA for a long time.

Mr. GAYDOS. You should be commended. Most are putting on so-called personnel to make things look nice when they appear before the committee. That is why I ask the question. If you have had one 8 or 10 years you have an authentic idea as to the problem.

Mr. WHITFIELD. The FAA has been committed to an occupational safety and health program and supported this program with resources in 1961. We have had a program of long duration within FAA.

Mr. GAYDOS. Who is the FAA's designated safety and health official, if you have one?

Mr. WHITFIELD. Mr. Chairman, as I made the comment in my statement, I believe that the response to that particular question is that I am the designated occupational safety official for the FAA, and the Office of Aviation Medicine is the designated health official for FAA.

Mr. GAYDOS. All right, then you would be in a position to answer some of those questions, then.

How many health and safety inspectors do you have, what variable classifications do they have and, generally, where do they serve?

Mr. WHITFIELD. I will respond to the safety portion and I will ask Dr. Smith to respond to the health portion.

We presently have 17 full-time safety engineers or safety managers. These are full-time persons who provide oversight to the total FAA program throughout our organization.

In addition to that we have designated part-time inspectors for this program and I believe I referred in my statement to the fact that we have trained more than 1,000 of these people as part-time inspectors.

Doctor Smith, would you like to respond to the health portion of the question?

Dr. SMITH. Yes, sir.

In each region, we have a regional flight surgeon who serves to manage all of aviation medicine's program in that region. In addition we have assistant regional flight surgeons at four of our regional offices and at our 20 air route traffic control centers. These medical personnel, as well as their assistants, provide occupational health services to our employees on an area basis, and serve to support the occupational safety and health program in this way. These personnel are in addition to the four industrial hygienists which we mentioned to you previously.

Mr. GAYDOS. They are not full time, though, are they?

Dr. SMITH. Yes.

Mr. GAYDOS. Are their duties full time?

Dr. SMITH. Their duties are full time in aviation medicine.

Mr. GAYDOS. That covers a multitude of duties?

Dr. SMITH. The principal factor which consumes their time is occupational health, sir.

Mr. GAYDOS. Mr. Whitfield, how long have you been in the capacity you described before the committee?

Mr. WHITFIELD. Five years.

Mr. GAYDOS. You are familiar with the President's executive order and how that pertains to Federal agencies?

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. Dr. Smith, how long have you been in your present capacity or position?

Dr. SMITH. Since last month, sir.

Mr. GAYDOS. Who did you succeed?

Dr. SMITH. Dr. Oliver Hood.

Mr. GAYDOS. Do you know how long he was in there?

Dr. SMITH. More than 3 or 4 years.

Mr. GAYDOS. Who do you report to?

Dr. SMITH. The Federal Air Surgeon, Dr. Reighard, directly.

Mr. GAYDOS. Who is responsible for coordinating health and safety matters generally around FAA? Would you have one central coordinator?

Mr. WHITFIELD. The Administrator is responsible, but to assure the continuing coordination, I believe I would properly assume a part of that role and the Air Surgeon would assume the other part. We assure constant and continuing coordination in terms of assuring the agency's occupational safety and health program is accomplished as effectively as possible.

Mr. GAYDOS. Now the doctor's predecessor, you knew him, did you not?

Mr. WHITFIELD. Yes.

Mr. GAYDOS. What were his duties, if you know?

Mr. WHITFIELD. He was the responsible official for assuring that FAA had a viable occupational health program.

Mr. GAYDOS. When you talk about your program, you mention the 1,000 or so trainees who undergo a 1-week course?

Mr. WHITFIELD. Yes, sir. These are collateral-duty inspectors. That might be a better way to state their function.

Mr. GAYDOS. In other words, they are assigned other duties but of their two or three main duties one would be inspecting when called upon. They would not be full-time inspectors?

Mr. WHITFIELD. No, sir, they would not be full time.

Mr. GAYDOS. Do you consider a week's training sufficient under the circumstances?

Mr. WHITFIELD. Yes, sir. In our training, we train them specifically in those items of major concern in terms of inspecting workplaces. We do not ask that they be totally knowledgeable in the fields of health which obviously would not be within their purview, but we do believe they are prepared with this 1-week training program to properly review the situation and the setting in our workplaces.

Mr. GAYDOS. To whom do the two or three full-time safety and health officials report? Those are their complete duties; is that right?

Mr. WHITFIELD. Yes.

Mr. GAYDOS. To whom do they report?

Mr. WHITFIELD. Within FAA, we are structured into regions and centers such as the Mike Monroney Aeronautical Center in Oklahoma where the reporting is done through the director. The occupational health and safety people receive guidance from either my office or the Office of Aviation Medicine. However, the responsible official to whom they report in their settings would be, in the case of a region, the regional director, and in the case of a center, the center director.

Mr. GAYDOS. How about the four hygienists?

Dr. SMITH. There are two at the Civil Aeromedical Institute—CAMI—in Oklahoma City who report to the chief of CAMI, who reports to the director of the aeronautical center; and at the Office of Aviation Medicine, they report to me through the Federal Air Surgeon.

Mr. GAYDOS. You mentioned in your testimony that you had appeared before the committee and gave testimony for which I thanked you and the panel which appeared.

Mr. WHITFIELD. My reference was to our Southern Regional Director.

Mr. GAYDOS. Were you with him?

M. WHITFIELD. No. Mr. Swatek, our regional director in Atlanta, with some of his people, appeared some 2 years ago.

Mr. GAYDOS. Was he talking about the air controller program as was exposed on "60 Minutes"?

Mr. WHITFIELD. Yes.

Mr. GAYDOS. And we were talking about investigations, followups, and so on?

Mr. WHITFIELD. Yes. I think at the time his testimony was directed mostly toward OWCP.

Mr. GAYDOS. I notice you made some reference in your testimony to the fact you have a decrease in the cost as distinguished between the percentage of accidents, but your costs have decreased; is that right?

Mr. WHITFIELD. Yes, sir; I said the rate of increase in our cost had decreased.

Mr. GAYDOS. But you are still on an escalating tangent or level or mark?

Mr. WHITFIELD. Yes, sir; we are on a continuing upswing in terms of overall costs. If I might point out, however, some part of this is related to costs of increases for people already on the rolls.

Mr. GAYDOS. Have you given any special consideration to the air traffic people personnel as to the causes of their illnesses? Are you checking it? What are your experts saying, and what is NIOSH's position on it? You indicated NIOSH had been consulted on many occasions.

It is a multifaceted question, but would you respond?

Mr. WHITFIELD. I will respond first, then I will ask Dr. Smith to respond.

On the safety side we have used NIOSH for specifics. For example, we asked NIOSH to make a study as to ingress and egress for safety. Our air traffic control towers are somewhat different from the normal construction of buildings, as you probably know. In that regard, we did not believe that the Occupational Safety and Health Administration standards were being properly applied to air traffic control towers. Therefore, we contracted with Gage and Babcock to do that. We have had NIOSH in to look at specifics such as the O'Hare tower situation in terms of the safety and health of the work situation. I am sorry I confused, for the record, the NIOSH activity with the Gage and Babcock activity.

Mr. GAYDOS. What about the air traffic controllers? Has there been a change of stated policy as directed toward that matter, or has it been thrust aside; and is it just sitting there festering, if you know?

Mr. WHITFIELD. May I assume the thrust of your question is as to the OWCP area?

Mr. GAYDOS. Compensation is one factor, but there is a health factor, we are talking about mental breakdowns and psychological difficulties.

Mr. WHITFIELD. In terms of the air traffic controller and their overall health situation, and that is all encompassing, we have conducted many studies, we continue to do studies, and continue to emphasize those areas in which we might bring about a reduction in number of complaints from our traffic controllers.

Dr. Smith, will you further elaborate on that point?

Dr. SMITH. I will be glad to.

We have had a health program for air traffic controllers since 1965, under which they undergo a medical examination each year to assure they continue to meet health medical standards promulgated by the CCS originally, now OPM.

We have been very concerned about the health of air traffic controllers and continually monitor the causes for disqualification and causes for lost time of air traffic controllers.

We see a trend over the past 4 years showing that the number of air traffic controllers, although the work force has remained about constant or perhaps has increased slightly in size, the number of medical disqualifications for air traffic controllers has decreased significantly.

Mr. GAYDOS. The number of what?

Dr. SMITH. The number of disqualifications of air traffic controllers has decreased. It was over 500 in fiscal year 1976. It was somewhere around——

Mr. GAYDOS. You are talking about your yearly tests?

Dr. SMITH. I am talking about the number of controllers who have been disqualified and have left the service as a result of disqualification.

Mr. GAYDOS. The number of claims approved and the number of claims disapproved, that is a different statistic you are referring to?

Dr. SMITH. That is right. I am referring to the number of air traffic controllers who have been medically disqualified as not meeting medical retention requirements.

Mr. GAYDOS. Are they subjected to a yearly medical and physical and mental test?

Dr. SMITH. They are subjected to a yearly medical exam.

Mr. GAYDOS. How about psychological? Is that part of the physical?

Dr. SMITH. Not normally. However, when the need arises, we do order psychological and psychiatric tests.

Mr. GAYDOS. That rate being disqualified has increased?

Dr. SMITH. Decreased. Most of the disqualifications take place between annual exams. So, when an illness is discovered between exams, the same standards are applied.

Mr. GAYDOS. Do you attribute that change in statistics to anything in particular?

Mr. WHITFIELD. I would attribute this to a combination of a number of things.

You may be aware of the fact that FAA, since 1972 until 1978, had what is commonly referred to as a second career training program.

The funding for that program was discontinued in fiscal year 1978.

In addition to that, our efforts in working with the Office of Workers Compensation Programs have become significantly increased in terms of creating a common understanding between that office and our office in terms of claims made for compensation as it related to job-related injury.

I would suggest that those two might have been significant factors in terms of the overall decrease.

Mr. GAYDOS. Would I be accurate to conclude that you are accepting more qualified air traffic controllers and supporting physicians? I base that on the statistic I have heard that you have a decrease in the number of cases that were filed in 1977 and 1978.

In 1977, under the category of the number of air traffic controllers who had filed stress-related cases, the number was 347, and in 1978 it was 219. You have had a decrease.

Mr. WHITFIELD. Yes.

Mr. GAYDOS. We are trying to find out how and why that decrease occurred. Was it because of a change of policy or retraining or maybe enlargement of vacation days an air controller would be allowed to participate in?

It is a significant change in statistics. Or was "60 Minutes" such a scary program that a lot of peoople trained their tactics or feelings as to the problem to which we are addressing. That is what bothers me, and I think it bothers many members of the committee.

I wonder if you could give us some feasible or reasonable explanation.

Mr. WHITFIELD. Mr. Chairman, as I made an attempt to explain earlier, the decrease in the number of air traffic controllers applying

for compensation from the OWCP has decreased rather significantly, as you pointed out.

We believe that results from the combination of factors, one of which you have pointed out, and that is possibly the publicity which surrounded the "60 Minutes" program.

But in addition, the removal of second career retraining as a pass-through, if I may, in terms of a medically disqualified controller who would enter second career training and then possibly apply for OWCP benefits, remaining on a full-time status with FAA during the period OWCP was processing his claim.

There have been, to my knowledge, no major changes in policy relating to air traffic controllers.

Dr. SMITH. That is correct, there have been no changes in policy related to air traffic controllers. However, we would like to believe our occupational medicine program has made some progress, in particular in the air traffic controller program.

Mr. GAYDOS. What does that consist of?

Dr. SMITH. The air traffic controller health program is a formal program under which the air traffic controllers are examined every year and their health is monitored throughout the year by our flight surgeons.

We have continued to take a closer look at the occupation itself and the people in the occupation; and we are making a concerted effort to identify problems and to insure that we make maximum effort to retain controllers in the system, rather than to eliminate them from the system.

Mr. GAYDOS. I notice here you have statistics involving the air traffic controllers' disapproval rate. In 1977 you dismissed 15.3 percent; in 1978, 28.67 percent.

Would that be a factor you allude to in the overall problem we are talking about; and why has that occurred?

Mr. WHITFIELD. The FAA does not have approval or disapproval authority in terms of compensation cases led with OWCP.

Mr. GAYDOS. At that point, you can contest or you do not contest?

Dr. SMITH. Not formally, sir.

Mr. GAYDOS. If you do not make a decision, who does?

Mr. WHITFIELD. Mr. Chairman, we do controvert cases before adjudication by OWCP in those cases where we have the necessary facts to provide for controversion. But after the decision is made, the FAA has no anthority in an appellate situation.

Mr. GAYDOS. How would you interpret these figures?

Mr. WHITFIELD. Mr. Chairman, I would follow the reasoning of the chairman in that a number of circumstances have caused an overall reduction.

The OWCP, we understand, does in fact have more staff for investigating claims now as opposed to several years ago, and we also understand they are taking a much harder look at those cases filed claiming on-the-job or job-related injury.

I would further point out that the statistics to which you refer represent those air traffic controllers who have filed a claim with the Office of Workers' Compensation Programs, saying that whatever, the claim is based on, is in fact, job-related. It would not con-

stitute an overall total of medically disqualified controllers within the FAA. They continue to have another avenue at the present time, and that is the Civil Service Commission's disability retirement.

Mr. GAYDOS. May I conclude that you have strengthened your yearly or ongoing medical examinations and that you now ferret out the distress a lot sooner? Is that one proper conclusion on my part?

Second, it seems you have not instituted any new, novel, or other descriptive program as far as the air controllers are concerned.

I have talked to many of them and they say the work hours, the stress, and requirements are almost inhuman—I do not know if that is true or not; and the number of off time is insufficient; and the supporting personnel is insufficient. It is one big mess. And that is a vital, sensitive area, as far as safety generally or specifically is concerned, as far as aircraft. That is what I am concerned about.

I would like to have what you have on record, and correct me please if my interpretations are erroneous.

It is a real long question and observation on my point, but I was forced to ask it that way so you would understand me. I am not trying to trap you; if I were, I would be proceeding along other lines.

Mr. WHITFIELD. Thank you very much, Mr. Chairman. It does help in our providing the response you are seeking.

The FAA has, in the last several years, put considerable effort into the closer working relationship between the Office of Workers Compensation Programs and the FAA. We have also tried to build into our system a method wherein our medical doctors are, in fact, advised of the basis on which controllers seek claims through OWCP.

Mr. GAYDOS. What do you mean when you say "closer"? What are you doing that makes it closer? Are you talking about the aspect of more personnel? How do you get closer observation on something, unless you can show me some personnel?

Mr. WHITFIELD. Specifically referring to that, we have placed emphasis on establishing closer working relationships, coordination, and mutual information exchange between FAA and the OWCP national offices, and more importantly at FAA regional and OWCP district office level where claims are adjudicated.

Second, we have established an FAA agreement with the OWCP to provide needed investigative assistance when questionable or fraudulent claims arise. We have an FAA assessment made of the job-relatedness of illness or injury, with individual claims submitted to the OWCP. We have placed greater emphasis on attempting to find alternative employment within FAA and in addition, we have had conducted stress studies, which Dr. Smith might want to address briefly.

Dr. SMITH. We are making a continuing effort to try to understand stress in the air traffic controller. Some of the effort has come from outside the FAA. For example, in 1975, the National Institute of Occupational Safety and Health published a study called "Job Demands and Worker Health." They reported a study of 23 occupational groups with relation to occupationally related stress. There were air traffic controllers among those groups from large and small airports. The results of the study showed the air traffic controllers fell into

roughly the midrange of all the occupational groups studied. Machinists, assembly line workers, were under greater stress.

Farther on, we conducted an internal review. We looked at 10 years worth of data from our repository at the Civil Aeromedical Institute. Our epidemiologist who did the study was unable to find any definite trends relating to the length of service and illness of any sort.

If you want to demonstrate a relationship between the occurrence of a disease and some particular cause, you would want to see a relationship between the length of exposure and the occurrence of the disease. This does not seem to happen in air traffic controllers.

More recently, there was a study completed by a group at Boston University. They stated as part of their summary of the study, which was conducted over a period of 5 years, involving initially 425 air traffic controllers, that they were surprised at the degree to which the job itself did not seem to affect the health of controllers.

Our belief now is that, although air traffic controllers do suffer the stresses that people do in work situations and life situations, that there is no unusual stress associated with the particular tasks that they are asked to carry out, and we believe that the decrease in claims submitted and in medical disqualifications results in part in a better understanding that we at the FAA have and our efforts to communicate this understanding both to controllers and to our management within the FAA, and to the Office of Workmens' Compensation programs and the Office of Personnel Management.

Mr. GAYDOS. Have any of the requirements been changed as far as the number of personnel who handle the control towers, the type of duties, supportive personnel, and/or use of equipment or change of equipment.

Has there been any change of policy toward the air traffic controllers and the supporting personnel outside of what you have told me as far as the studies and things like that? Have you changed it at all?

Mr. WHITFIELD. Mr. Chairman, I am finding the general question very difficult to respond to in general terms.

Mr. GAYDOS. I am not trying to do that.

Mr. WHITFIELD. May I say that in terms of numbers of controllers, the record would show that there has been some increase in the number of controllers as the years go by.

Mr. GAYDOS. If I may interrupt you again, the information is very limited. You can't do much with that.

Yes, it might be attributable to the increased traffic and the number of airports that are open, et cetera. I am talking about some fundamental changes. If you are citing as a fact that there has been some increase as far as personnel, has the increase been approved or instituted to change the work hours of existing air controllers or are you filling slots that now have become necessary because of increased activity?

There is a big difference between the two. I am trying to answer the multitude of claims I have received from your personnel.

Mr. WHITFIELD. Mr. Chairman, we have not changed the working hours required of air traffic controllers. We still require an 8-hour day, 40-hour week.

Mr. GAYDOS. Still the same. How about supporting personnel?

Can you cite some change?

Mr. WHITFIELD. I am unable to specifically address that particular part of the question. I would like to say, however, in the area of equipment, and I am sure the chairman is aware that FAA is constantly improving and adding to the equipments that are present in the system.

Mr. GAYDOS. That might end up making this job more difficult, if you start getting that. I just want to gather as much information as I can in order that I might be in a position to respond to these complaints we have been getting about the job being extraordinarily difficult.

This is the nature of complaints we have received. There has been many an accident that has come so close to occurring due to fatigue and improper working hours. That involves safety, I believe, if my conclusion is reasonable.

Mr. WHITFIELD. You are correct.

Mr. GAYDOS. There is some aspect of safety to the individual and also the public generally. Of course, that is not our responsibility, but the individual himself, his health and his safety.

Let me ask you a couple of questions, Mr. Whitfield. Do you supervise the safety inspectors personally? Are they under your personal supervision?

Mr. WHITFIELD. They are under my technical and program guidance but they would report to a regional or center director through the personnel office in the region or center in which they are employed.

Mr. GAYDOS. How do you make your conclusions if you don't have that touch with them? How do you orientate yourself to the changing or shifting problem, as it were?

Mr. WHITFIELD. I have a safety manager on my staff who is responsible for the national program of FAA in occupational safety and who I assure you does not hesitate to call to my attention those instances which require attention and action either from the national point of action or from a regional or center point of action.

There is a very good communications structure for the occupational safety people.

Mr. GAYDOS. Who makes the decision that an inspection should take place at a certain workplace?

In your testimony you have, for instance, yearly or two yearly inspections in dangerous workplaces, which I have to assume has been designated as such because of the occurrence of accidents or complaints.

What about other places, new places and old places? Who would initiate the inspections? Who would decide which is to be inspected and when?

Mr. WHITFIELD. We have set into place a program that requires the inspection of all workplaces at least annually and those workplaces that are determined as unusually hazardous are required to be inspected twice annually. The regional or center safety manager would in fact assure that the inspections are performed as required during the course of a year wherever possible.

I would also like to point out, Mr. Chairman, that they are far from perfect in this particular area. In fiscal year 1978 I believe I stated

that we inspected some 6,600 workplaces. That does not constitute 100 percent of the FAA workplaces. We strive to improve.

Mr. GAYDOS. Our problem is that the act presently requires that a safety and healthy workplace be provided.

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. Second, there is great pressure on this committee to provide this so-called healthy and safety umbrella to pertain to and protect Federal employees. That is why we are involved in the act. The question has been raised and the accusation made that the Federal people have just been winking at Executive orders which have been directing people like you to take an active part to make sure that there is as much compliance to the existing statutory requirements in-house, in Government house, as there is out in the field in the public sector.

We have found a lot of our people dragging their feet and making excuses that they don't have enough money. This has been going on since roughly 1971, you say, and thereafter, and that the compliance has been slow and stubborn. It is a case of merely mollifying the thing, brushing up on the edges and masquerading the real problem.

When officials come before this committe, they have done all types of technical things such as hiring a hygienist or two and/or setting up an in-house organization. But that is not what we are looking for. We are looking for statistics. We are looking at effects when we try to ferret out who is blowing smoke at whom.

That is what our problem is. Mr. Whitfield, do you get copies of inspection reports?

Do you physically handle those?

Mr. WHITFIELD. I do not personally physically handle them unless there is something contained in those reports that should be called to my attention.

Mr. GAYDOS. For instance, what would that be? What would have the importance to fall in a category where it should be directed to your personal attention as distinguished from others that you wouldn't have time to handle because you have other duties. Could you cite me a couple of them so I could understand a little bit how that works in your agency?

Mr. WHITFIELD. Yes, sir. Unfortunately, the last situation that comes to mind in terms of something being immediately called to my attention involved a fatality. We suffered a fatality by one of our electronics technicians climbing a high tower in the not too distant past. That was immediately brought to my attention at the time of the occurrence and in terms of all of the facts surrounding the situation that caused this particular fatality.

As I pointed out in earlier comments, we do provide the personal safety equipment and the climbing equipment to assure safety when our technicians are climbing high towers.

However, in the case at hand, the employee had not used the equipment. That, as I say, is an unfortunate kind of situation to have to say that is the last that I recall, but anything that involves an injury of, let me say, some significant consequences, is immediately called to my attention and I also followup in terms of the causes and the corrective actions that the FAA might take in order to assure that that kind of thing does not happen again.

Mr. GAYDOS. Do you feel certain in your mind that your existing regulations, procedures, and inspections are sufficient in that particular instance that you don't have to do anything more, that that was just an accident?

Mr. WHITFIELD. Mr. Chairman, in that specific case I assured myself that we have in place all of the necessary equipments, all of the necessary programs, and all of the necessary instructions to our supervisors to assure that that kind of accident does not happen, but, unfortunately, that kind of accident still happens and we will continue to work on methodology to keep that kind of accident from happening.

Mr. GAYDOS. Might I presume that your regulations do require, and there was provided on site a climbing cage, some safety device?

Mr. WHITFIELD. There is a safety device for climbing, but not a climbing cage.

Mr. GAYDOS. What is the safety device that your regulations call for under those circumstances?

Mr. WHITFIELD. It is a rail with a belt tie so that as you climb the ladder to a tower or high place there is no way that you can fall to the ground.

Mr. GAYDOS. Mr. Bailey?

Mr. BAILEY. Thank you, Mr. Chairman.

Mr. Whitfield, I would like to just a little bit get into the program that you described briefly. For my benefit, how would you explain the separation between the health and safety function that you alluded to earlier? What does it mean in your mind? It is a little fuzzy in mine.

I can understand, of course, in certain areas in aviation medicine you have peculiar problems that you have to deal with which demand specialists and that type of thing, but what does it mean to you in the type of program for your employees?

Mr. WHITFIELD. Mr. Bailey, I would certainly point out first that that goes back in FAA to 1961, at which time FAA first set in being a health program for employees in the administration. At that time, and I believe still justifiable, the FAA's conclusion was based on the fact that we were unusually fortunate in having full-time medical doctors working in the Federal Aviation Administration, who although their programs encompass many other aspects of aviation medicine, were available for consultation, and not only consultation, but action on health.

Mr. BAILEY. Let me ask at this point an additional question.

You mentioned the health problem or environmental problem.

In the industrial workplace you have health or environmental difficulties. That is handled by you, Doc?

Dr. SMITH. Yes, sir.

Mr. BAILEY. How do you approach employee education in a situation like that? Do you both go in with specific or different programs, or how do you reach employees or educate them or tell them about these things?

Mr. WHITFIELD. I believe that is one of the strong points in the Federal Aviation Administration's total program. In any case where we identify some kind of corrective action required in their safety or health area for which training is a solution, then the Office of Personnel and Training provides through our academy in Oklahoma City

that we incorporate that particular facet into our ongoing training programs in the academy at Oklahoma City where we teach how to do the job, incorporating how to do it safetly, and if there is a health problem, to try to overcome that, and then in the on-the-job training situation we further require it.

Mr. BAILEY. In your on-the-job training situations, what kind of structure do you have? How does it reach the individual employee in a low-risk as opposed to one of your high-risk workplaces, whatever that means, because I don't know? How do you reach them?

You mentioned the training program, for example, and I am throwing a lot of things at you now. I want to find out how much meat there is in this program that you mentioned in your statement. You mentioned a management school, a week of courses. Are those courses just safety, or is that a management training program, and how many hours a week are credited to safety?

Those people that went out there, the 1,000 people, it sounded to me like it was almost voluntary as opposed to its being mandatory.

"Among our accomplishments, we have developed safety and health training programs for inspectors at our management training school in Oklahoma."

Do you have 1,000 inspectors, or is this just a collateral duty course that they are taught or what? Could you tell me a little more about it?

Mr. WHITFIELD. Yes, sir, if I may address your last point first.

Mr. BAILEY. You have a whole bunch. Address them any way you like.

Mr. WHITFIELD. I will try to back into the others. The training to which I referred at the management training school is specifically a 1-week course solely for those designated as occupational safety and health inspectors. This is not totally voluntary.

They are designated to attend the course and are provided 40 hours of instruction in what to look for in occupation safety.

Mr. BAILEY. Just safety?

Mr. WHITFIELD. Just safety.

Mr. BAILEY. That is good.

Mr. WHITFIELD. Backing further, if I may, into the overall how do we get this down to the workplace, and let me address training further in that regard. In terms of our work force, as you probably know, it is a very highly technical work force.

Mr. BAILEY. You work into that low-risk category as opposed to obviously other risks. It will make a little more sense in terms of what you just said.

Mr. WHITFIELD. Our technical work force does require refresher-type training or update type training and for that purpose we ordinarily provide that training at our academy, the Mike Monroney Center, at Oklahoma City.

We incorporate into that training all safety activities for the employee. Additionally, we have nationally established training programs for on-the-job training. This is provided to each and every location where we have employees and in certain cases to each and every employee in terms of the continuing on-the-job training required which incorporates safety into that training.

The low risk-high risk difference, we provide the basic and overall safety training to all of our employees. In terms of identifying the high-risk situations, we have built into program orders that prescribe the process that you go about in terms of handling these high-risk situations.

Mr. BAILEY. Does this low risk-high risk category, as you defined it, work into your statistics? I didn't see it. Did I miss that?

Mr. WHITFIELD. I do not believe it is in my statistics.

Mr. BAILEY. So you don't know whether or not this program or that type of training or the different issues, the different things that you do train on or instruct on, whether or not you have made an improvement. I assume a high-risk environment would be an area where the electronics are, close to voltage, that kind of thing.

Mr. WHITFIELD. Yes.

Mr. BAILEY. And low risk perhaps would be the possibility that someone trips over an exposed cable lying on a floor in one of your control towers, that kind of thing?

Mr. WHITFIELD. Yes.

Mr. BAILEY. But you have nothing in your statistics in your accidents rates that tells us whether or not your separation of those functions has been successful, or whether the training in one direction is more successful than another, or anything like that.

Mr. WHITFIELD. I do not have the statistics that would report to you the number of low-risk situations in the FAA and the number of high-risk situations in the FAA.

Mr. BAILEY. May I ask this question then also?

Would it probably be true—commonsense tells me it would be, but I don't know; commonsense can be so darned misleading sometimes—that the vast majority of your accidents, the things that happen on the job are probably in the low-risk category in all likelihood?

Mr. WHITFIELD. I do not have that specific statistic. However, it is certainly my opinion that that is a correct assumption; that the vast majority of reportable injuries occur in the low risk as opposed to the high risk.

Mr. BAILEY. Old, everyday hazards, low-risks-category kind of accidents?

Mr. WHITFIELD. Yes, sir.

Mr. BAILEY. Because everything you said here in the discussion with the chairman earlier indicates to me that you seem to concentrate a great deal on that high-risk category you talked about, but apparently with the ever-increasing number of accidents that at least are reported, whether or not reporting systems and statistics have caused that kind of an increase we don't know for sure, it would seem that we are really not making much progress in the area where all those man-hours are lost, and that is people just tripping and falling over things and that type of thing.

Mr. WHITFIELD. We continue to emphasize all forms of accident injury avoidance, if you will.

Mr. BAILEY. How do you do that? Do you emphasize that? I am sure you continue to do that. I am sure that you do, but how do you do that? We were talking earlier, and you answered the question very well, but one of the points that you really didn't expound on that much or have

an opportunity to because I interrupted you—it wasn't your fault—was how you reached that employee down there. Do you have safety committees, meetings, instructions? Go into that a little bit more. I stopped you.

Mr. WHITFIELD. We have a national safety committee; we have regional safety committees, as I described our organizational construct, and we also have local safety committees. And these safety committees meet on some schedule—I couldn't suggest to you that they are all on the same schedule, certainly they are not, but we do have a safety-conscious employee population in terms of overall safety. It certainly would be inappropriate for me to say that we have reached every employee in FAA with specific safety training not related to any other particular form.

Mr. BAILEY. Why would it be inappropriate for you to say that?

Mr. WHITFIELD. We have not done that. We understand, however, that the Office of Secretary of Transportation, who I understand will be testifying later, is in fact planning a training program specifically directed to all employees in the department.

Mr. BAILEY. When did you learn of his plans to do that?

Mr. WHITFIELD. We have known of this plan for some months. I am not really certain of the precise date.

Mr. BAILEY. Not a precise date. Roughly when?

Mr. WHITFIELD. I have certainly been aware of it for approximately a year, possibly more. I truly can't give you any more precise date than that.

Mr. BAILEY. Would you have the power to do something like that on your own?

Mr. WHITFIELD. Yes, sir; in terms of early considerations of methodology to provide training not only to the inspectors, but also to all of our employees and, by the way, I failed to point out also that we have conducted training for managers in safety, apart from the inspectors, that we were considering the methodology to provide training for all employees.

Mr. BAILEY. You may have mentioned this earlier and I got off on a tangent in my mind and probably missed it, but your job description, you concentrate solely, totally and every day your job is safety and safety alone?

Mr. WHITFIELD. No, that is not correct. I am the Director of the Office of Personnel and Training for FAA and have the overall responsibility for all of the personnel programs and all of the training programs in the FAA.

Mr. BAILEY. You have a little paragraph in your statement. Do you have somebody there who does full-time work on that area for you who is beneath you, that works apparently in an inferior position to you who works on safety?

Mr. WHITFIELD. Yes, sir; I have a safety engineer who dedicates full time to safety.

Mr. BAILEY. One safety engineer? All your inspectors are collateral duty people. They have other duties?

Mr. WHITFIELD. Yes, sir. I had two safety engineers until just recently when one retired.

As I pointed out earlier, we also have safety engineers in our regions and centers.

Mr. BAILEY. Who have to do collateral duties?

Mr. WHITFIELD. Who have full-time safety responsibility.

Mr. BAILEY. How does your program or how do your statistics, if you have ever compared them, compare with other Federal agencies or the rest of government in the low risk category?

You don't have statistics on the low risk category?

Mr. WHITFIELD. No, sir, I do not have statistics on the low risk category.

Mr. BAILEY. So in terms of safety of the workplace, you really don't know how effective a program has been?

Mr. WHITFIELD. I have assumed, hopefully properly, that the overall comparison of rates within the Federal Aviation Administration, when compared to overall rates within the total Federal Government, would provide a comparative base on which to judge both low- and high-risk accidents and in the overall regard, if my assumption is correct, we are quite proud of the safety record for employees within the FAA.

Mr. BAILEY. Could you do a little workup on that for the committee just figurewise? I am just curious.

Mr. WHITFIELD. Yes, sir.

Mr. BAILEY. I hope you are right, but if you can do that, I would like to try to compare them.

Mr. WHITFIELD. Yes. we will supply it for the record.

Mr. BAILEY. I think with some of the testimony we get from different agencies, we can learn a little better by cross comparing information on some of these programs.

Mr. WHITFIELD. We will be glad to do that.

[The information referred to above appears in the appendix.]

Mr. BAILEY. I have no further questions, Mr. Chairman.

Mr. GAYDOS. OSHA is required to evaluate the occupational safety and health programs of Federal agencies. That is a general statement. Their annual evaluation is required for all agencies employing more than 1,000 people. Has your occupational safety and health program been evaluated by OSHA?

Mr. WHITFIELD. Not to my knowledge. I am advised that OSHA did start that evaluation but did not complete it.

Mr. GAYDOS. They didn't complete it?

Mr. WHITFIELD. They did not.

Mr. GAYDOS. When did they start it, roughly? Do you have that information?

Mr. WHITFIELD. I am advised approximately 1½ years ago.

Mr. GAYDOS. 1½ years?

Mr. WHITFIELD. Yes.

Mr. GAYDOS. Under the act OSHA is also required to provide leadership and guidance. Have you ever made an official request for assistance from OSHA; that is, for written guidelines and consultations?

Mr. WHITFIELD. Yes, sir. I would like to point out to the subcommittee that the Office of the Secretary of Transportation assumes the direct coordination with OSHA in the Washington area. In our field locations, our regional offices do coordinate directly with OSHA and in terms of the information that I have, we have had some problems with OSHA in terms of trying to assure ourselves that we have a com-

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mon understanding of these requirements and we have asked their assistance in helping us define these understandings.

Our relationships have improved considerably with OSHA and it is my current understanding that we are in fact working quite well with OSHA.

Mr. GAYDOS. Have you ever been refused by OSHA when you have requested assistance or guidance?

Mr. WHITFIELD. Not to my knowledge.

Mr. GAYDOS. Does anybody on the panel know of any situation where OSHA has been nonresponsive or noncooperative?

Dr. SMITH. No, sir.

Mr. GAYDOS. You mentioned asbestos and the potential problem. If I remember your testimony accurately, you stated that you don't have a problem per se with asbestos or if you did that you have taken corrective steps. Is that the situation?

Mr. WHITFIELD. That is the situation.

Mr. GAYDOS. And you continue to monitor for that problem?

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. In 1978 your agency report frequently refers to the encouragement of employees to participate in inspections and review of standards. Could you explain to me if it is done and if it is a problem?

Mr. WHITFIELD. The reference there, I believe, is directed toward the fact that, as you know, safety inspections are to be unannounced and therefore when the safety inspection occurs you solicit both employee organization as well as employee to accompany the safety inspector.

The area in which our comments are directed I believe relates to the fact that as collateral duty inspectors do these inspections for us, at times there is prior knowledge, we do get a good level of cooperation from both employee organizations and employees.

In other cases we may not have the representation that we would like to have, but it is probably because of the manner in which the system works. We try to provide the opportunity for the employee and the employee representative to participate in these inspections.

Mr. GAYDOS. Would you know as to whether or not it is a general policy that your inspections are announced or are unannounced?

Mr. WHITFIELD. Again, our policy is certainly the policy required and that is that they be unannounced so the policy is that they be unannounced.

However, the reference that I make to collateral duty inspectors has to do with the fact that they may be in or around that geographic area and may in fact call ahead and say "I am coming over to do an inspection" or something of that type. It is not our intent that these be announced as a normal practice.

Mr. GAYDOS. Are you aware of the collective bargaining agreements that affect your employees of various kinds? Who handles that? Would you be handling that as a matter of personnel?

Mr. WHITFIELD. No, sir. We have an Office of Labor Relations that would handle contract negotiations. I am generally but not totally familiar.

Mr. GAYDOS. On the announcements, would the collective bargaining agreement require or have contained therein provisions pertaining to announced or unannounced types of inspections?

Mr. WHITFIELD. I don't recall that there is any specific provision in the labor contracts that relates to announced or unannounced inspections. There are provisions related to employee safety and health.

Mr. GAYDOS. Are you familiar with OSHA's requirement as far as announced or unannounced inspections?

Mr. WHITFIELD. It is my understanding that OSHA requires unannounced inspections.

Mr. GAYDOS. In 1978, according to your statement, 6,600 workplace inspections were conducted. How many were conducted by full-time safety and health personnel?

Would you give that information for the record?

Mr. WHITFIELD. We will be pleased to.

[The information referred to above appears in the appendix.]

Mr. GAYDOS. In one of your reports you stated it would cost $6 million for your agency to comply with OSHA standards. Am I accurate in that observation?

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. Does that sound familiar?

Mr. WHITFIELD. Yes, sir; it does, but just one moment, if I may. We have not developed a formal estimate of the total agency cost of complying with OSHA standards.

However, we have identified to date a cost of $6.5 million to correct deficiencies in our airway facilities national abatement program. This does not include funds to eliminate deficiencies due to an individual facility or workplace or funds to correct hazards at the many facilities that we lease from local municipalities.

Additionally, a need of approximately $4 million has been identified to install fire and smoke detection systems, automatic fire suppression systems, and similar equipment in many of our larger terminals and en route centers.

We believe that a total cost of $15 million may be a conservative estimate.

Mr. GAYDOS. Fifteen million dollars. Counsel refers to page 4 of your 1978 annual report where you do have a statement which includes some of those items which would bring the estimate to be $6 million.

Are you talking about current, that year's report?

Mr. WHITFIELD. Yes, sir; that particular figure refers to the national abatement program.

Mr. GAYDOS. National abatement?

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. Where is the balance, the additional $9 million that brings it up to the $15 million mark? Where is that to be expended and where are the deficiencies now?

Mr. WHITFIELD. In preference I would like to repeat that we have not developed a total cost estimate.

Mr. GAYDOS. This is a guesstimate, right?

Mr. WHITFIELD. Yes, sir; it is a guesstimate. In terms of the additional funds, I pointed out that we believe about $4 million is identified to require installation of fire warning devices, and so forth.

Mr. GAYDOS. $4 million?

Mr. WHITFIELD. Yes, sir; and the national abatement program is directed toward correcting those deficiencies that are identified in

situations that are nationally structured. For example, if we purchase some kind of equipment that in terms of actual installation in the field we then found that there might be some safety hazard incorporated into that equipment, then we would take national action under the national abatement plan in order to correct that kind of deficiency. Each of our regions and centers is provided funds with which they can take corrective action in terms of maintenance problems that would be totally related to a given location as opposed to a national type of problem.

Mr. GAYDOS. Why do you make distinctions between national and local? Is it easier for you compliance wise? It gets rather confusing because one can intertwine with national. Another is because everything that is national has to be regional.

Mr. WHITFIELD. True. At the same time in terms of standardization of equipment and workplace that are standardized. They are designed nationally and constructed to national standards and specifications.

Mr. GAYDOS. But the way they do it in Tallahassee, Fla., they do it in the same way in Washington State? Is that what you are talking about, that particular action?

Mr. WHITFIELD. That would be correct.

Mr. GAYDOS. That is what you are talking about, national design?

Mr. WHITFIELD. Yes, sir. We would be dealing specifically with a national design of a facility and equipments that were constructed based on a national standard. On the other hand, we also have nonnational standard facilities wherein we might lease from some locality a building or something of that type that would in fact be at variance with all other locals within the United States.

In that instance it is simpler in our judgment to deal with the problem on a regional basis for those that are unique to that region and on a national basis with those that are nationally standardized.

Mr. GAYDOS. So we are talking about a $15 million estimated cost if you want to comply with OSHA's standards; right?

Mr. WHITFIELD. That is our best estimate.

Mr. GAYDOS. Before OSHA came along you had standards, didn't you?

Mr. WHITFIELD. Yes, sir.

Mr. GAYDOS. In fact, OSHA probably accepted some of your standards, probably most of them. I would think so.

Mr. WHITFIELD. I believe you are correct.

Mr. GAYDOS. According to your testimony today, it seemed you were doing such a great job I didn't think you needed any more money alining yourself up with OSHA requirements.

Is that a conservative estimate on your part as far as compliance money is concerned, or would you tend to have a guestimate again that it might be higher than that?

Mr. WHITFIELD. I would point out again that this is the best guesstimate we have at the moment and I would suggest to you it may be conservative, but in order of magnitude I wouldn't hazard a guess.

Mr. GAYDOS. Let me explain to you why I asked the question. Many of the agencies have taken the position before this committee that the cost is prohibitive if they are going to comply, in full or in part. There

also has been a tendency to give testimony to this committee that the costs are almost astronomical; they are just so impractical. That is what the committee has been experiencing and that is why I wanted to get from you as accurately as we can figures that would justify this committee's further consideration of making OSHA pertain to and govern all Federal agencies and activities, including States.

If you have any additional information we will appreciate it immensely if you would make it available to us in written form or any other form now on that subject matter. It is very important to the committee.

Mr. WHITFIELD. Mr. Chairman, I would like to comment for the record and add that to the record at a later time if that is acceptable in terms of the specifics that you addressed at the end.

Mr. GAYDOS. Without objection, any additional information you submit in this area will be made part of the formal record.

Mr. WHITFIELD. Yes, sir. We would be pleased to do so.

Mr. GAYDOS. Do you have any further questions?

Mr. BAILEY. No, Mr. Chairman.

Mr. GAYDOS. In conclusion again, let me understand exactly your performance in the structure setup. Who reports to you, what you do, how you have a handle on all these different activities throughout the agency and different geographical locations.

I still don't quite understand it. If you could give it to me in detail as much as you can in the next few minutes, that will be the last question.

Mr. WHITFIELD. Mr. Chairman, I am the Director of the Office of Personnel and Training for the Federal Aviation Administration. In that position one of my responsibilities incorporates occupational safety.

Mr. GAYDOS. And health?

Mr. WHITFIELD. Health is assigned within the FAA to the Office of Aviation Medicine.

Mr. GAYDOS. No overlap?

Mr. WHITFIELD. We coordinate thoroughly and believe that this is a very effective way for the program to be operated within the FAA.

Mr. GAYDOS. You are almost unique in that position. I couldn't quite understand it as far as compared to other agencies. I just wanted to let you know that. I am sorry. Go ahead.

Mr. WHITFIELD. I have a full-time safety engineer on my staff who is assigned the responsibility of monitoring all of the occupational safety activities within the total of the Federal Aviation Administration. He is expected to call to my attention any area of significance in occupational safety in which the FAA needs to take national action.

In our regions and centers each has a safety engineer or safety manager who assumes that same responsibility for the region or center in which he is employed. His chain of command flows through either the regional director or the center director. We have established a very effective communication method for a safety engineer in whatever region located to advise the safety engineer in the national headquarters who is on my staff.

In those areas in which the FAA should take action, any kind of action, I am charged with providing national program and policy to accommodate the requirements of occupational safety.

Mr. GAYDOS. I understand. Now, how about the health aspect?

Dr. SMITH. Our responsibility in aviation medicine under our occupational health program is to monitor the health status of the work force to identify health problems that are related to the work environment or which might interfere with productivity of our employees.

To this end we direct our attention at both the personnel to monitor health changes and to the environment through the services of our industrial hygienists. In establishing procedures for occupational safety and health——

Mr. GAYDOS. Why do you use safety and health and Mr. Whitfield only likes to use safety? Any reason for it?

Dr. SMITH. Because we provide input to the safety program, technical input, by having identified hazards and prescribing procedures by virtue of which our personnel are protected against those hazards.

Mr. GAYDOS. What about labeling? Where would that responsibility lie?

Who would make the determination to label and who would be doing the research? Who would be making the ultimate decision? You have a real nice organization and it is unique. It is separate. It seems it is independent and yet it is interdependent. I want to know in this question how does that work into the strata of the organizations you have?

Dr. SMITH. If I may respond, Mr. Chairman, the identification of toxic substances does rely on an interdependence between the Office of Aviation Medicine and the Office of Personnel and Training.

In any kind of safety inspection in which toxic substances are being used in the workplace and previous determinations have not been made, this is immediately referred to the Office of Aviation Medicine and will be tested, researched, or whatever is necessary by our medical institute at the Mike Montgomery Aeronautical Center.

Mr. GAYDOS. Do you want to continue on? How do you have your regional people dispersed? How many personnel serve directly under your authority and, Mr. Whitfield, how about you in comparison? You have a safety and health setup. What about the split in personnel? Which is larger and which is smaller?

Dr. SMITH. I can't give you a total figure on medical personnel, but I will supply it to you if you would like to have it for the record, sir.

Mr. GAYDOS. Counsel advises me you have four industrial hygienists.

Dr. SMITH. Yes.

Mr. GAYDOS. You don't have it on a regional basis?

Dr. SMITH. Not industrial hygienists.

Mr. GAYDOS. He does, and you have your health department. I am not doing this to criticize your organization. I would like to get it straight so I can understand it better as to how you approach a problem in comparison to the many other agencies testifying before this committee as to how they approach a problem.

You have seen fit for reasons best known to yourself to make a distinction. You have four health people.

Dr. SMITH. We have four industrial hygienists. We have 11 regional flight surgeons.

Mr. GAYDOS. Flight surgeons?

Dr. SMITH. Yes, sir; and we have positions for 24 assistant regional flight surgeons.

Mr. GAYDOS. Would a flight surgeon or assistant flight surgeon be examining me for a health hazard if I were working around some type of asbestos or some type of toxic material? Would that surgeon be looking at me?

Dr. SMITH. He very well might if we suspected there was a problem.

Mr. GAYDOS. He would?

Dr. SMITH. Yes, sir.

Mr. GAYDOS. Does he take care of those persons who work around in some little shed somewhere?

Dr. SMITH. Not all of our employees are located in facilities in such a way as to have access to our own medical resources. We do make use of medical resources of other Federal agencies such as the Public Health Service where those are available and we do make use of private physicians in those locations where our employees have access to no Federal medical facilities.

Mr. GAYDOS. Who does Mr. Reeves report to? Does he report to you, Doctor, or to you, Mr. Whitfield?

Mr. WHITFIELD. I presume you mean Mr. George Reeves?

Mr. GAYDOS. Yes.

Mr. WHITFIELD. He reports to me.

Mr. GAYDOS. Is he a health man as distinguished from a safety man? Who is Mr. Reeves?

Mr. WHITFIELD. Mr. Reeves is the Chief of the Personnel Programs Division in the Office of Personnel and Training.

Mr. GAYDOS. Do we have a misdesignation of him as a safety official?

Mr. WHITFIELD. The safety engineer in the FAA reports through Mr. Reeves to me and Mr. Reeves is designated as a safety official; yes, sir.

Mr. GAYDOS. I now understand your makeup. You say that you do have a working relationship with the doctor. You feel it is a good approach to the problem. You have no complaints of any deficiencies as far as OSHA in their response to you or their availability? You have had good cooperation? Am I drawing the proper conclusions? You have no difficulties with OSHA?

Mr. WHITFIELD. Yes, sir; I believe that is a suitable conclusion. If I may further address the point of the occupational safety program in the Office of Personnel and Training and the occupational health program in the Office of Aviation Medicine, I would like to repeat for the record that in my judgment the FAA is particularly well served by that organizational construction in that we have in place a very sophisticated medical program which goes beyond the occupational health program required by OSHA.

Mr. GAYDOS. If that is true, Mr. Whitfield, you should have very little difficulty in adjusting to any new requirements. Your budgetary requests should be very limited.

On the contrary, you are showing a request of $6 million to $15 million, depending upon where you want to be active. That is what is difficult to understand. They picked up 99 percent of your standards.

Here you have been so efficient, and I am responding to you in a complimentary fashion. I am trying to be cognizant of the difficulty.

You are well ahead of the pack and I can't understand the difficulty you have now.

Mr. WHITFIELD. Mr. Chairman, we are quite proud of our occupational safety and health program in FAA. However, I did not intend to lead you in a direction that would suggest to you that we are without problems. Certainly there are problems.

Mr. GAYDOS. Do you share my lack of pride in your statistics as far as injuries are concerned?

Mr. WHITFIELD. But, further, I would like to state at a later date for the record our position regarding the adopting of OSHA standards in total if that is permissible.

Mr. GAYDOS. Yes.

I have 70 questions here and counsel wanted me to ask them. I would like to ask you if they are submitted to you, sir, if you would be so kind as to continue your cooperative spirit and respond to these written interrogatories so we can make them a part of the record and so our colleagues on the committee would have the benefit of your knowledge and your experience in this area?

Mr. WHITFIELD. We would be most pleased to respond for the record to any questions that the subcommittee may have.

[The information referred to above appears in the appendix.]

Mr. GAYDOS. I want you to know the nature of the inquiry to you fundamentally is based upon this committee's desire to obtain as much evidence involving the matter. Some is controversial, nothing personal directed to you or your employees. In fact, on behalf of the committee I would like to compliment you, and on the record, for your good preparation in appearing before us, your unbridled responsiveness, and your fairness to the committee.

I hope that you consider the committee fair to you.

Mr. WHITFIELD. Thank you, Mr. Chairman.

Mr. GAYDOS. We would like to have you back again if the need would present itself. Thank you for your time and for your effort.

Mr. WHITFIELD. Thank you.

Mr. GAYDOS. We have these other questions I hope you will respond to.

Mr. WHITFIELD. We will be delighted.

Mr. GAYDOS. This concludes testimony from the Federal Aviation Administration.

At this time, I wish to welcome those witnesses who will discuss occupational safety and health with respect to the other residual agencies within the Department of Transportation. Representing those agencies is R. Robert L. Fairman, Deputy Assistant Secretary for Administration, U.S. Department of Transportation.

I don't know if Mr. Fairman has anybody with him. For the record, please identify the accompanying panel.

STATEMENT OF HON. ROBERT L. FAIRMAN, DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY BERNARD LANDRY, FEDERAL HIGHWAY ADMINISTRATION; NORBERT SCHNAUBELT, FEDERAL RAILROAD ADMINISTRATION; STEVEN LESIAK, URBAN MASS TRANSPORTATION ADMINISTRATION; ALEX G. LAWRENCE, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; AND JAMES SHAW, ST. LAWRENCE DEVELOPMENT CORP., MASSENA, N.Y.

Mr. FAIRMAN. Yes, sir; I will. Thank you.

Mr. Chairman and members of the subcommittee. I am Robert L. Fairman, Deputy Assistant Secretary for Administration in the Department of Transportation.

I appreciate your invitation to testify at these hearings to discuss the Department of Transportation's occupational safety and health program.

Accompanying me today are five representatives from the DOT administrations who have not previously appeared before the subcommittee and they will be available to answer questions relating to their administration's safety and health efforts. The representatives are, and I have asked them to raise their hand as I identify them: Mr. Norbert Schnaubelt, Federal Railroad Administration; Mr. Steven Lesiak, Urban Mass Transportation Administration; Mr. Bernard Landry, Federal Highway Administration; Mr. Alex Lawrence, National Highway Traffic Safety Administration; and Mr. James Shaw of the St. Lawrence Seaway Development Corp.

Mr. Chairman, you previously heard representatives from the U.S. Coast Guard and the Federal Aviation Administration testify before this committee.

The safety management function in the Department of Transportation is located in the Office of Installations and Logistics, which reports to me.

I function as the Department's "designated safety and health official," exercising the authority of the Secretary for the management of all accident/incident loss control programs within the Department.

My safety staff has the primary responsibility for establishing departmental safety and health policy, coordinating the implementation of this policy, and conducting annual program evaluations of each operating administration.

The policies and procedures governing the Department's program are based upon Executive Order 11807 and 29 CFR, part 1960. They are detailed in DOT order 3902.3A, occupational safety and health management program, dated February 10, 1975; DOT order 3902.6, safety management information system (SMIS), dated March 24, 1975, and DOT order 3902.2 occupational safety and health employee complaint procedures, dated December 6, 1978.

Prior to issuance, all DOT occupational safety and health program orders were reviewed and received concurrence from our operating

administrations and appropriate employee representatives and union officials.

The operating administrations' safety and health programs are managed by the designated safety and health officials from each administration.

The Department presently has 58 civilian safety managers, 6 industrial hygienists, and approximately 100 Coast Guard military personnel involved in aviation safety, vessel safety, and shore and facility safety.

As you are aware, the Department of Transportation is made up of several elements involved in different modes of transportation.

The working environment to carry out our mission includes office space, light and heavy industrial operations, ground and aircraft operations, seagoing vessels, railroad, research and development programs, and highway operations.

The nature of the DOT mission encompasses most known environmental exposures and the safety of our employees is of major concern in carrying out our mission.

In that area of management policy and procedures we are assuring that:

One: Copies of the Occupational Safety and Health Act, Executive Order 11807, and 29 CFR 1960 are available to all employees and their representatives.

Two: A formalized means of hazard reporting is available to all employees through the Department's safety and health employees complaint procedures and the internal inspection program as required by 29 CFR, part 1960.

Three: OSHA program information posters are displayed in all facilities, describing regulations and requirements relating to Federal employee participation.

In addition, my safety staff conducts the annual occupational safety and health program effectiveness review of each administration. This includes random field trips to the standard region or district offices and to major field activities which are made in addition to evaluation of the Washington offices of the departmental elements.

The annual reports are reviewed with the administration's designated safety and health officials to assist them in developing more effective programs. These evaluations include analysis of accident/illness reports, occupational safety and health committee reports, workplace inspection reports, policies and procedures, and other relevant data required by 29 CFR, part 1960.

With respect to recordkeeping and reporting safety management information, the Department has established an automated safety management information system—SMIS—which maintains a consecutive yearly record of all incidents involving occupational injuries—5-year retention—and occupational illnesses—20-year retention. The illness retention is a new procedure that we just started.

The pertinent data is extracted from the reporting forms and used to compile the Department's annual DOL OSHA reports. SMIS data is also used to determine systems deficiencies which contribute to accidents, injuries, and illnesses and identifies management controls necessary to eliminate the causal factor.

We are in the process now of putting the system online and having terminals located at the field activities so that we can expedite incident recording, identify violations of standards, and have a central place for reporting budget requirements and abatement dates to insure we have a positive "closed loop" accounting system.

Once this system has been placed online, and our estimate is approximately 1 year before it is operational, the system will eliminate a 12-page accident report and enable the accident data to be retrieved by those field activities on an individual basis so they can then query the system with any particular issues that they have in mind.

In the area of management/labor safety and health committees, we have established safety committees at the Washington level of the Office of the Secretary and the departmental operating administrations. Safety and health committees have also been established at the region/district and major field activity levels.

These committees are composed of management representatives, safety managers, employee representatives from unions, and other employee representatives.

They are established to advise and assist departmental officials with respect to their responsibilities under the Department's occupational safety and health program.

The Department has adopted all occupational safety and health standards required by law and included them in our occupational safety and health order. Supplementary standards are being developed as applicable, and are reviewed by appropriate employee unions and the Department of Labor for concurrence, prior to implementation.

Training is considered a very important phase of any program. Early in the program, in fact in 1976, the Department developed one of the first Federal occupational safety and health management briefings which was presented to more than 1,200 executives and senior-level managers. We are talking about people down to the GS–13 level. The FAA and USCG have developed additional special programs to provide appropriate training for employees. We are presently finalizing plans to implement another occupational safety and health training package which will be managed by my office. This second phase of our occupational safety and health training program will encompass DOT administrations and provide the appropriate training for all levels of management and employees.

Another major element of our program is the occupational safety and health inspections, which are conducted by each administration. In accordance with OSHA requirements, inspection of DOT facilities are made annually by qualified safety specialists or supervisory personnel who have received the required training. Safety and health inspections are conducted at over 7,000 DOT establishments annually and employees or their representatives are encouraged to participate.

Considering the magnitude of the Department's occupational safety and health program, I feel that DOT has shown "good faith" in its efforts to implement the 1975 29 CFR part 1960 guidelines. You can be assured DOT will continue to improve its occupational safety and health program within the limits of our resources. Specific areas in which DOT will concentrate its efforts to improve its programs are identified in the following 1980–85 goals and objectives.

One: Strengthen our departmental/administration safety and health staffs to provide a full range of professionally qualified people.

Two: Review and strengthen existing policies to insure full compliance with Executive Order 11807 and 29 CFR part 1960.

Three: Insure that DOT's budget submissions, as required by the Governmentwide policy in OMB Circular A 11, reflect the funds necessary to provide a safe and healthful work environment.

Four: As I have already mentioned, we intend to initiate within the next few months another training program for all levels within the Department.

Five: Finalize the terminalization of our SMIS program to enable accident and injury data to be submitted and retrieved in a more accessible and usable manner.

Six: Issue the Departmental Occupational Health Manual and implement through a professional industrial hygiene staff.

I am confident these actions will result in a significant improvement in the effectiveness of our safety and health program.

Thank you, Mr. Chairman, for giving me the opportunity to tell you about the Department's safety and health program. If the subcommittee has any questions, I will be pleased to address them.

Mr. GAYDOS. Mr. Fairman, you mentioned No. 2 in your concluding points that you wish to review and strengthen existing policies to insure full compliance with Executive Order 11807.

Be a little more specific. Where do you think your deficiencies are?

Mr. FAIRMAN. I mentioned the health policy. Another is the budget. We have not been in compliance with the budget, so the budget figures do not reflect all the money we have been spending or at least we have not identified it as money spent on the occupational health program. We will correct it in the next budget. Training is another area we are deficient in but we are moving in that area.

Mr. GAYDOS. Are you spending more or less money than your budget indicates?

Mr. FAIRMAN. We are spending more money. For example, Mr. Chairman, I think in 1979, our budget figure reflected $4 million. In 1980, budget estimates are somewhere between $17 and $20 million. In 1981, we expect a significant increase in that budget.

There are two other areas I did not mention. One is fire programing. We think we have to do more work in that area, an assessment of our fire hazard, and also more work in the industrial hygiene area.

Mr. GAYDOS. Is FAA and the Coast Guard included in these figures?

Mr. FAIRMAN. Yes, sir, it is a total Department figure.

Mr. GAYDOS. You mention the training deficiencies. Have you had difficulty in establishing training? I remember in your statement, you seem to have a pretty good, solid program for training.

Mr. FAIRMAN. I think we have done reasonably well in training. We have recognized for some time and we have been developing for at least 8 or 9 months, a new training requirement. That is close to fruition. We are going to, hopefully, have that up and running within the next 3 months, and we are going to do it by contract. We are going to let a contract for that requirement and this, by the way, will be graduated training. So for executives, the training could be as short as an hour or two, but as we get down to the people actually working in the shops, we could see that training could go as long as 1 week.

Mr. GAYDOS. How has your association been, generally, with OSHA?

Mr. FAIRMAN. It has been quite satisfactory. I have had several meetings with Mrs. Wright. I sit on FACOSH as the Department's representative, and I find they have been responsive to the concerns we have had.

They, in turn, have had problems they have come to talk to us about and we have been able to accommodate those problems.

Mr. GAYDOS. Would you feel too badly if the jurisdiction of OSHA was made to all agencies in the Federal Government, that is, the responsibility would rest with OSHA?

Mr. FAIRMAN. I think if you look at just the inspection function, it is possible OSHA could have the inspection function, but the safety and health program is an integral part of management, and I think it would be difficult for an outside organization to participate.

Safety is just a basic requirement that is developed when you program your other requirements.

Mr. GAYDOS. Are you suggesting, then, that OSHA is destined to ultimate failure because it would have responsibility in 5,000 workplaces and taking care of 5 million people?

Mr. FAIRMAN. No, sir.

Mr. GAYDOS. You think a better job could be done if the agencies had their own safety and health program and the responsibility continued to rest within the Departments?

Mr. FAIRMAN. Yes, sir.

Mr. GAYDOS. How many industrial hygienists have you?

Mr. FAIRMAN. Six.

Mr. GAYDOS. Do you consider that number sufficient?

Mr. FAIRMAN. No.

Mr. GAYDOS. Is it a budget problem or availability of personnel?

Mr. FAIRMAN. No, it is primarily a budget program.

Another area we are exploring is to use contracts for industrial hygienists.

Mr. GAYDOS. Can you give an explanation why in your statement you mention you try to abide by the Executive order, yet you suggest you are very weak as far as the health aspect? Since OSHA in 1971, we have had two Executive orders and we are still not addressing ourselves to toxic materials and other similar things. What is the reason for the insufficiency or lateness?

Mr. FAIRMAN. My response is that we have other pressures we respond to, also. Sometimes everybody takes their turn, and perhaps they should not.

Mr. GAYDOS. What do you intend to do about it?

Mr. FAIRMAN. We are exploring. First of all, we are going to request, we have asked the administrations in the budgets they are putting together now to identify what their requirements are in this area. We are going to explore greater use of consultants in this area, when we have specific studies where we need that kind of input.

Mr. GAYDOS. Do you ever go to OSHA or NIOSH and address them according to the act, which is very clearly worded therein that there should be cooperation available?

Mr. FAIRMAN. We have had some discussions with them. They have been willing to listen to us, but apparently they have a lot of demands on their organization, also.

Mr. GAYDOS. Are you suggesting, then, that their response is somewhat slow?

Mr. FAIRMAN. Yes, sir.

Mr. GAYDOS. I have asked other Federal agencies, and OSHA is just a perfect operating agency, there are no complaints. You are the first one that suggest that OSHA could beef up some of its personnel insofar as responding in a timely fashion. You are probably stating it more accurately.

Mr. FAIRMAN. I am thinking after that comment I should withdraw my comment.

Mr. GAYDOS. Mr. Bailey?

Mr. BAILEY. I have no questions.

Mr. GAYDOS. Are there any suggestions from the group as to what this committee could do as far as possibly stimulating OSHA to respond to you. And is OSHA deficient in any manner whereby we could improve that deficiency and you would be able to operate more effectively in the field of safety and health?

Mr. SCHNAUBELT. In the area of the OSHA field councils, they are doing an excellent job in the field councils.

Mr. GAYDOS. What about the availability of training personnel designated as inspectors, general education program and dissemination of knowledge and explanatory material? Are there any comments as to whether this is sufficient?

Mr. SHAW. With the geography of our country, it seems their facilities for giving training are centralized, there are a wealth of how to do it training down to the bottom line which would be nice to have OSHA provide indoctrination for the training specialties we are all involved in.

Mr. GAYDOS. Do you mean in better geographical locations throughout the country?

Mr. SHAW. To be more available.

Mr. GAYDOS. What problems do you have? For instance, do you have problems with asbestos? What is your main source of difficulty?

Mr. SHAW. We are all having problems with the unknown. Every day there is something new, something that formerly was not a problem becomes a problem. Keeping us apprised of the problems as they develop so we can be aware of them.

Mr. GAYDOS. You are talking about the discovery of new toxic materials and the effects on the workmen?

Mr. SHAW. And the levels at which they are toxic.

Mr. GAYDOS. Where are your main concerns as to safety and health hazards? Have you any areas that seem to be particularly troublesome?

How are your compensation claims? Are they creating a budgetary problem for you? Do you attribute that problem to health and safety?

Mr. FAIRMAN. OWCP claims the estimate for this year is about $50 million. The reason you did not get much response out of that is the FAA has about $47 million of that and the Coast Guard has about $1.7 million. The next major area is the Alaska Railroad which has about $700,000. So, our other administrations are really quite small.

Mr. GAYDOS. Getting back to toxic substances, do you have any trouble identifying them right now, generally, throughout the agencies? The handling of all the material?

Mr. LANDRY. I am Bernard Landry. I might mention problems in dealing with materials not only in our agency but other agencies. In the procurement system, somewhere along they introduce new materials. In many cases, they introduce these materials without giving us the chemical content. We probably could get help in that area. I have problems now trying to get chemical compositions of paper we use. Most of that is plain chemistry. And we do not have that tied into our system. That is labeling, what is the chemical composition of it. Once you get that, you almost have the keys of what the hazards associated with that chemical compound would be.

They hide behind the use of trade secrets, but they still should be able to provide it if you purchase it from them.

Mr. GAYDOS. On warning labels and things of that nature, there are ways to apprise the person handling it and the transportation system on how it can be utilized. There are ways of apprising personnel of special handling requirements without divulging trade secrets.

Mr. LANDRY. A lot of times they do not know.

Mr. GAYDOS. A good classic example of that is asbestos, a material used in some forms for some years and nobody had any idea how devastating it was. It was used by everybody from carpenters to shipfitters. In fact it is used in your fireplace to make the brilliant spectacular response from the fire. There was asbestos in that and nobody raised any questions. The committee would like to have information of some specific area to zero in on. It might be in an area we have allowed to slip by us. If you can direct our attention there, we will be very glad to delve into it further. We want to know the kind of problems you have, although you are not subject to the OSHA Act. The question is whether or not the committee should enlarge the operation to include your operation, whether it is feasible. That is the information we are looking for.

There is a list of questions I have which counsel will submit to you, sir, in detail. If you will gather the data and information and make it available to the committee.

I want to thank you for your personal appearance and all the other agencies and people responsible for appearing. If you have other information you feel would be pertinent, please feel free to volunteer it. Depending on the quantity and quality of the information we will incorporate it into the permanent record of this matter.

So, feel free to initiate a presentation of that type material.

Are there any questions of anybody? No questions? On behalf of the committee we wish to thank the witnesses for their time. We will be in contact with you again. You will receive those interrogatories and we would appreciate a response.

The subcommittee will stand in recess until Monday, July 30, at which time we will resume oversight hearings on the Federal Mine Safety and Health Act. Witnesses representing the National Clay Pipe Institute will appear before the subcommittee. Until that time, again in sincere gratitude for your presentation, gentlemen, the committee will stand in recess until the stated time.

[Whereupon, at 11:55 a.m., the subcommittee was adjourned, to reconvene Wednesday, September 12, 1979, at 10 a.m.]

OVERSIGHT HEARINGS ON OSHA—OCCUPATIONAL SAFETY AND HEALTH FOR FEDERAL EMPLOYEES

Part 2: Federal Sector

WEDNESDAY, SEPTEMBER 12, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SAFETY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:25 a.m., in room 2261, Rayburn House Office Building, Hon. Joseph M. Gaydos (chairman of the subcommittee) presiding.

Members present: Representatives Gaydos, Bailey, Edwards, and Buchanan.

Staff present: Paul F. Dwyer, counsel; Rebecca Davis, research assistant; and Dorothy Strunk, minority legislative associate.

Mr. GAYDOS. The committee will be in order.

This morning we are continuing with our oversight hearings into the occupational safety and health of the Federal employee. Appearing before the subcommittee this morning are representatives of the General Services Administration.

At this time, I wish to welcome Mr. John F. Galuardi, Assistant Commissioner, Office of Buildings Management, Public Buildings Service. Accompanying him today are Mr. Russ Maisch, Mr. Dick Klinker, and Mr. Craig Schilder.

Welcome to the subcommittee, gentlemen.

I wish to apologize for our delay. We have a measure of great importance on the floor this morning. So if you would proceed, please.

STATEMENT OF JOHN F. GALUARDI, SAFETY AND HEALTH OFFICIAL, GENERAL SERVICES ADMINISTRATION, ACCOMPANIED BY RUSS MAISCH, DICK KLINKER, AND CRAIG SCHILDER

Mr. GALUARDI. Thank you, Mr. Chairman and subcommittee members. GSA appreciates the invitation to participate in these hearings.

I am John Galuardi, appearing here today as the GSA Safety and Health Official. I am also the Assistant Commissioner, Office of Buildings Management, Public Buildings Service. With me are Russ Maisch, Dick Klinker, and Craig Schilder of my Accident and Fire Prevention Division; that is my safety and health staff.

Before speaking directly on matters relating to the GSA occupational safety and health program, I believe it appropriate to provide some general background concerning our agency.

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GSA's basic mission is to provide common services for the Federal Establishment. Major services include facilities and space, products, transportation, records storage, strategic materials, warehousing, communications, property disposal, and related support functions.

This effort involves and affects hundreds of thousands of Federal employees; the general public; and hundreds of millions of dollars in property, supplies, and equipment.

Our various functions are carried out through separate organizational segments referred to as services. Each unit is responsible for its own mission, objectives, and goals within the established GSA mission and policy framework.

We are decentralized for program application and operations into 11 regions, which in themselves have numerous field office functions and activities to fulfill our many service obligations.

Safety and health factors and circumstances which affect our employees vary greatly. GSA employs 37,500 persons in approximately 60 job families, encompassing a diversity of skilled and unskilled blue-collar workers as well as white-collar administrative workers and professionals.

GSA operations involve office work, warehousing, motor pools, maintenance, real estate, construction, physical protection, et cetera. Because of the GSA service role, GSA employees are found throughout the world providing space, services, and products to Federal agencies.

Our responsibilities in the safety and health area are dual and multifaceted—

(1) to provide a comprehensive occupational safety and health program for our own 37,500 employees; and

(2) to provide a reasonably safe and healthful workspace for our building occupants, provide reasonably safe and healthful products and services, assure continuity of Federal mission, and protect and preserve Federal property investment.

In support of these mandates it is the policy of GSA to maintain an effective and comprehensive safety and health program which will—

(1) safeguard all Government employees and others from harm arising out of GSA operations, conditions of space provided by GSA, or products or services obtained through GSA-controlled procurement;

(2) prevent disruption or impairment of missions assigned to GSA or other agencies dependent upon space, facilities, supplies, utilities, or other GSA support actions; and

(3) protect the property investment entrusted to GSA or housed in facilties under the control of GSA.

To implement this policy, all GSA programs are directed toward the achievement of safety and health performance levels that equal or exceed the objectives of the Occupational Safety and Health Act of 1970 (OSHA), Public Law 91–596, and Executive Order 11807, O.S. & H. programs for Federal employees.

All reasonable precautions are taken to avoid the incidence of accidental injuries and fires or exposure to potential occupational illnesses. Management, supervisors and employees are involved in our programs to eliminate or control hazards and potential hazards, and

to incorporate safe operating practices and procedures as an integral part of every activity.

With that background, I wish to direct attention to that part of our program affecting the implementation of the OSHA of 1970 and Executive Order 11807 which require the agency head to provide a safe and healthful workspace for the agency's employees.

Top management is vitally interested in the safety and well-being of our own GSA employees. We are concerned about the humanitarian aspects of injuries and illnesses to our employees.

We are also aware that losses to the agency due to accident, injury, and illness adversely affect productivity, costs, efficiency, morale, public image, and, therefore, threaten our mission accomplishment.

The importance to us for an effective agency safety and health program for GSA employees becomes apparent when we compare our record of on-the-job injuries and illnesses with the rest of the Federal Government overall.

I have a chart here which we will just hold up for a second which shows the GSA injury and illness experience is about 25 percent below other Government agencies and compares favorably with leading industries selected from those which have ongoing safety programs.

However, GSA's workmen's compensation costs have been steadily increasing over the years, especially since the Federal Employees Compensation Act (FECA) was changed in 1974.

We have a chart which illustrates the fact that the costs are increasing. That is the top line. The middle line shows these costs in constant 1967 dollars to take out the inflationary impact. It shows a steep rise, but not quite as steep as the total dollar cost would lead you to believe.

The bottom line projects that with an average of 16 percent rollover of the employees remaining on the compensation roles, and no new incidents occurring, we would be on the bottom line. We are above it which shows we do have an increase in these costs.

Despite our favorable incident rate, we are still striving to improve our safety and health programs. GSA has had a safety and health program since its establishment. Over the years, the program has achieved success in the form of reduction of employee injuries/illnesses.

When GSA was established in 1949, each employee faced an average chance of 1 in 20 that he would be incapacitated due to a disabling injury during that year. Today, 30 years later, the average chance is closer to 1 in 60.

This record was achieved based on the premise that good safety and health management is an element of good organizational management. The prime emphasis has been placed on line responsibility for safety and health, training and motivation of supervisors and workers, and improving the safety and health aspects of the workplace.

In the past several years the nature and demands of safety and health programs have changed drastically. The impact of the Occupational Safety and Health Act of 1970 has created new demands to extend and amplify the long accepted elements of safety and health programs.

Demands are being made for new approaches, particularly those involving participation by the work force itself. For the first time, executive responsibilities and support have been defined by statute, Executive Order 11807, and the pursuant guidelines fo 29 CFR 1960, safety and health provisions for Federal employees.

As I describe GSA's occupational safety and health program, I shall follow the outline requirements of Executive Order 11807 and 29 CFR 1960.

Further, I will explain our current status and our programed or anticipated action in the future.

Public Law 91–596, section 19, and Executive Order 11807 requires the head of each agency to establish and maintain an occupational safety and health program consistent with standards promulgated for the private sector GSA has established and is maintaining and O.S. & H. program consistent with the intent of OSHA's published guidelines.

As mentioned, GSA does have an agency official designated by the Administrator responsible for the management and administration of the GSA O.S. & H. program.

As that official, I have been authorized to represent the interest and support of the Administrator. I have an authorized staffing of 70 safety, health and fire safety professionals at the Central Office and throughout the regions. Our proposed new staffing guidelines will identify the need for a staff exceeding 100, based on actual workload.

GSA has a management information system (MIS) that basically complies with mandates of subpart B of 29 CFR 1969. Differences have been reported to the Secretary of Labor as required by paragraph 1960.12. We emphasize more than mere recordkeeping. We encourage our regional administrators to evaluate their experience and to implement management actions to improve it.

Our present system is primarily manual and has provided meaningful data for some time. However, we feel this limits our ability to develop specific countermeasure programs for high incident and cost accidents and to properly advise management.

A comprehensive, automated injury/illness information system is now in development and will be implemented during fiscal year 1980. This system will allow us to relate cause factors to results of accidents, to types of accidents, to circumstances, to organizations, and to costs. The system is capable of, and will be expanded later, to cover fires, general property damage, and motor vehicle accidents.

In addition, we have a separate MIS listing to schedule and monitor the performance of required inspections. This allows greater control over the inspection process and improves effectiveness.

Major hazards or potential hazards found during inspections are placed in our repair and alteration (R/A) work item inventory where the status of each item may be prioritized and tracked until it is incorporated as a project. At some point, this system will be expanded to allow ADP tracking of the individual safety/firesafety items through the active project and completion stages.

GSA has a formal system for adopting standards and our safety and health program follows these procedures. The O. S. & H. program

is established and maintained through an internal directive issuance system consisting primarily of orders and handbooks (manuals).

Prior to publishing a safety and health program directive, review and comments are solicited from labor organizations holding national consultation rights as well as internal services, staff offices and regional offices.

Each handbook update, for example, contains a statement that consultation with labor organizations has been accomplished. Comments and recommendations received are either incorporated in the issuance or nonimplementation is justified on a reconciliation sheet before final issuance.

Further, management officials who have accorded exclusive recognition to labor organizations are required to promptly notify them of program changes and upon request to meet and confer.

GSA has adopted, as GSA Occupational Safety and Health Standards, 29 CFR 1910, General Industry Standards (except subparts E and L); 29 CFR 1915 through 29 CFR 1918, Maritime Standards; and 29 CFR 1926, Construction Standards.

The OSHA standards that were not adopted, those on fire protection and means of egress (subparts E and L), were not compatible to GSA's needs for the operation of high rise buildings and large, special purpose facilities.

However, GSA's standards equal and generally exceed these OSHA standards. At times it is necessary to vary standards and authority for variances to GSA standards has been authorized under strictly controlled conditions to about 25 management officials within GSA. The GSA safety and health official is the sole authority to grant a waiver.

Our internal procedures require employees to promptly report any condition they believe to be hazardous or potentially hazardous, and require supervisors to investigate. If a hazard exists, it is removed, controlled, or planned for abatement. In this way we attempt prompt attention to reports of unsafe or unhealthful working conditions.

After this, if an employee believes a hazard still exists, the employee may request the controlling GSA accident and fire prevention office to make an inspection with 5 working days. A determination is made and the employee is informed of the findings and disposition.

Employees may appeal unsatisfactory decisions to the GSA safety and health official and eventually to OSHA. In the case of imminent danger, the procedure provides for telephone reports and immediate inspections and response.

A detailed listing of these procedures is required to be prominently posted at locations where employee notices are normally placed.

During calendar year 1978, only 18 formal reports by GSA employees of unsafe or unhealthful conditions were filed, indicating that informal employee to supervisor reports constitute an effective tool for employees to seek resultion of their safety and health concerns.

Our biggest problem in this area is that some employees, under the mistaken impression they are authorized to report directly to OSHA, bypass the internal GSA procedure. This is being sanctioned by OSHA and is undermining GSA procedures.

OSHA should follow the Secretary of Labor's published guidelines and become involved only when an employee is appealing final GSA disposition of the report by the safety and health official.

GSA has two basic responsibilities concerning identification, detection, evaluation and control of safety, health and fire hazards. As employer, we must provide a safe and healthful workplace to our employees and accordingly must inspect all GSA employee work locations.

As landlord, we must prevent disruption of missions of agencies assigned to GSA space and therefore must inspect for building-related hazards, that is, fire hazards.

To do this we conduct three separate surveys: Self-survey, safety and health survey, and fire safety survey. These are performed by appropriately qualified persons at specified frequencies.

This GSA inspection program is monitored and controlled through a computerized printout which identifies inspections scheduled, made and reported. Inspection reports are reviewed and evaluated for quality and appropriate followup actions.

GSA has scarce resources to cover the full scope of its safety and health inspection responsibilities. A recent revision to our internal inspection directive established new procedures concerning type, purpose, and frequencies of inspection as well as inspector qualifications and inspection reports. The new directive attempts to assure optimum coverage in critical and major areas versus noncritical and small areas.

GSA controls 230 million square feet of space in approximately 10,000 buildings. Where our resources have not been suitable or available, we have sought assistance from OSHA, National Institute of Occupational Safety and Health—NIOSH—Center for Disease Control, and contractors for inspections or special assessments.

Generally, these Federal agencies have been cooperative, but they, too, have limited resources and support capability. With the exception of environmental health potentials, major hazard identification is not the real problem. Rather it is how to properly and timely resolve the hazard once identified.

Small items can and are abated or eliminated within routine operation and maintenance functions. The large items, particularly those requiring large expenditures or extended timeframes to resolve, create the real problem. It boils down to "What is the alternative, what is the priority?"

GSA's accident and fire prevention staff receives training from a variety of sources to maintain and improve professional job skills. Last year the combined regional and headquarters onboard staff of 65 persons participated in over 70 training courses.

In addition to courses conducted by organizations such as the International Safety Academy, NIOSH, and OSHA, GSA professionals attended National Fire Protection Association—NFPA—courses, GSA-sponsored workshops and conferences, university courses and others.

GSA's professional employees are members of various professional and technical societies such as American Industrial Hygiene Association, American Society of Safety Engineers, Society of Fire Pro-

tection Engineers, American Conference of Governmental Industrial Hygienists, and are regular participants at meetings and seminars.

These employees also participate as members of code and standard committees such as those of American National Standards Institute and NFPA.

During the calendar year 1978, over 850 GSA managers and supervisors received training directly associated with occupational safety and health. Classes were presented throughout the GSA regions and in the central office and provided up to 40 hours of classroom training.

Courses covered such topics as supervisory safety and health responsibility, OSHA, accident investigation and reporting, inspections, fire and life safety, safety meetings, and other topics that are necessary for supervisors to carry out GSA's safety and health programs.

Also, during calendar year 1978, over 5,800 GSA employees received occupational safety and health training. Classes were given throughout GSA and covered such subjects as defensive driving, chemistry of fire, first aid, cardiopulmonary resuscitation, and other safety and health topics. Courses were made available to employees based on their interests plus identified need for specific types of training at the working level.

Many other safety-related training efforts are initiated. The various safety and health committee and council meetings required at regional and field level are a good training medium, as are various management conferences such as regular buildings manager meetings. Training subjects for the most part, historically, are dependent on the specific areas of concern at the time.

During calendar year 1978, over 700 GSA employees received specialized training for high risk jobs. Courses were presented throughout the GSA regions to those employees identified as having a need for the training. Courses were conducted on the control of hazards associated with hazardous materials, asbestos, firearms, and radiological monitoring.

In addition, training was provided to employees in certain job categories such as custodial cleaning, warehousing, motor pool operations, police operations, construction, space acquisition, and operations and maintenance.

We firmly believe that all employees must become involved in safety and health; and threaded throughout the GSA occupational safety and health program are requirements and opportunities for employee participation.

We recognize that the GSA O.S. & H. program will not be fully effective unless it reaches all employees, concerns all employees, and involves all employees.

GSA programs provide for safety and health responsibility of employees; for orientation of new employees; for employee participation in safety and health councils and committees at all levels, including shop meetings; for required reporting of accidents and hazards, including the right to file reports of unsafe or unhealthful conditions; for employee participation in specific inspections and surveys as well as promotional campaigns; and for publications to employees on hazards and accident data.

We have formal requirements for safety and health councils at three levels: the GSA Administrator level, the regional administrator level, and the field office (operating) level. There are 9 regional councils and 214 field level councils formed.

During 1978 the national GSA council met once. The regions held 35 meetings, and there were 1,982 field level meetings. GSA firmly believes council requirements and activities are beneficial and offer strong support to our entire occupational safety and health program.

First, they provide regularly scheduled times when managers, supervisors, and employees get together to discuss occupational safety and health programs and concerns.

Second, a council provides a forum to discuss, evaluate, and offer solutions to hazardous conditions in the workplace.

Third, it provides a mechanism to provide safety and health training in pertinent areas.

GSA is a continuing member on the Federal Advisory Council on Occupational Safety and Health (FACOSH), and I regularly represent the agency at FACOSH meetings and activities.

Further, I am chairman of the FACOSH Standing Committee on National Programs. My predecessor represented GSA in the same capacities.

Accordingly, we in GSA are actively involved in advising the Secretary of Labor on Federal agency safety and health programing needs and initiatives.

In summary, GSA has implemented a program consistent with the intent of the OSHA program guidelines. However, improvement as a result of program evaluations by GSA and others is a continuing process.

Enhancement is needed in the occupational safety and health program for budgeting, resources, staffing, inspections, MIS, and councils.

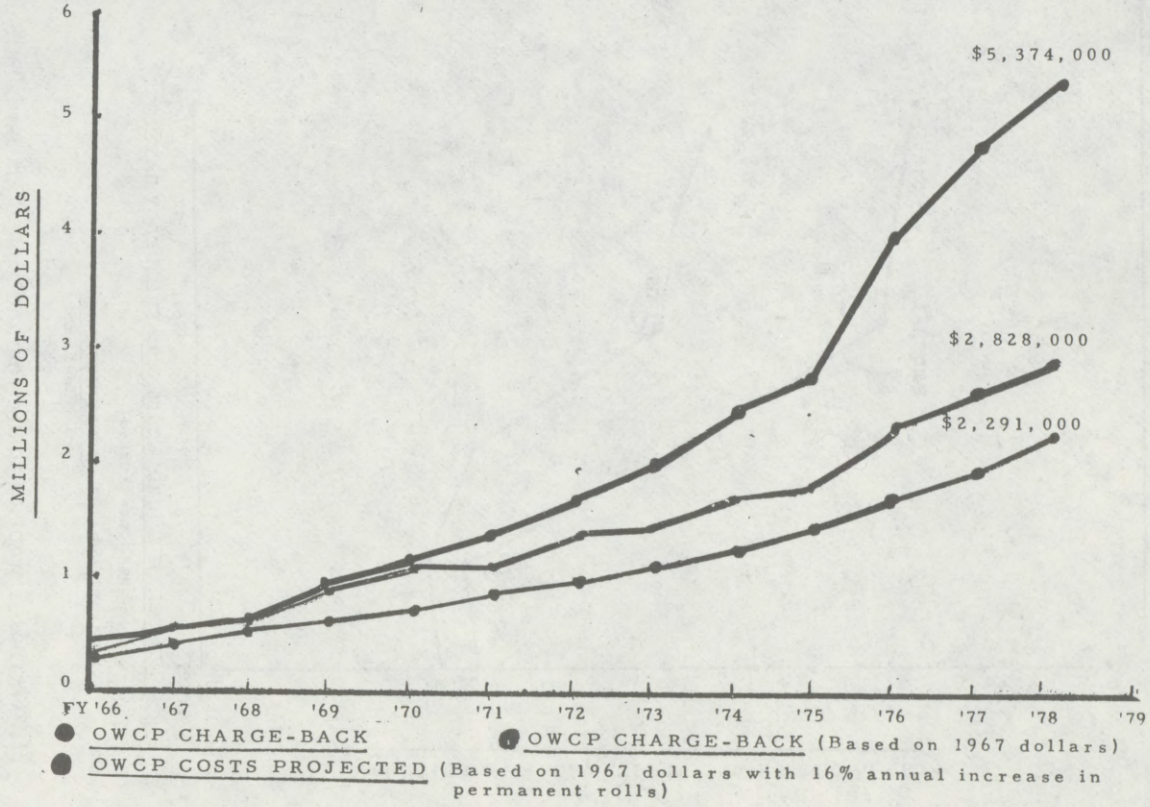
Mr. Chairman, that concludes my statement. We would be pleased to answer any questions that the committee may have.

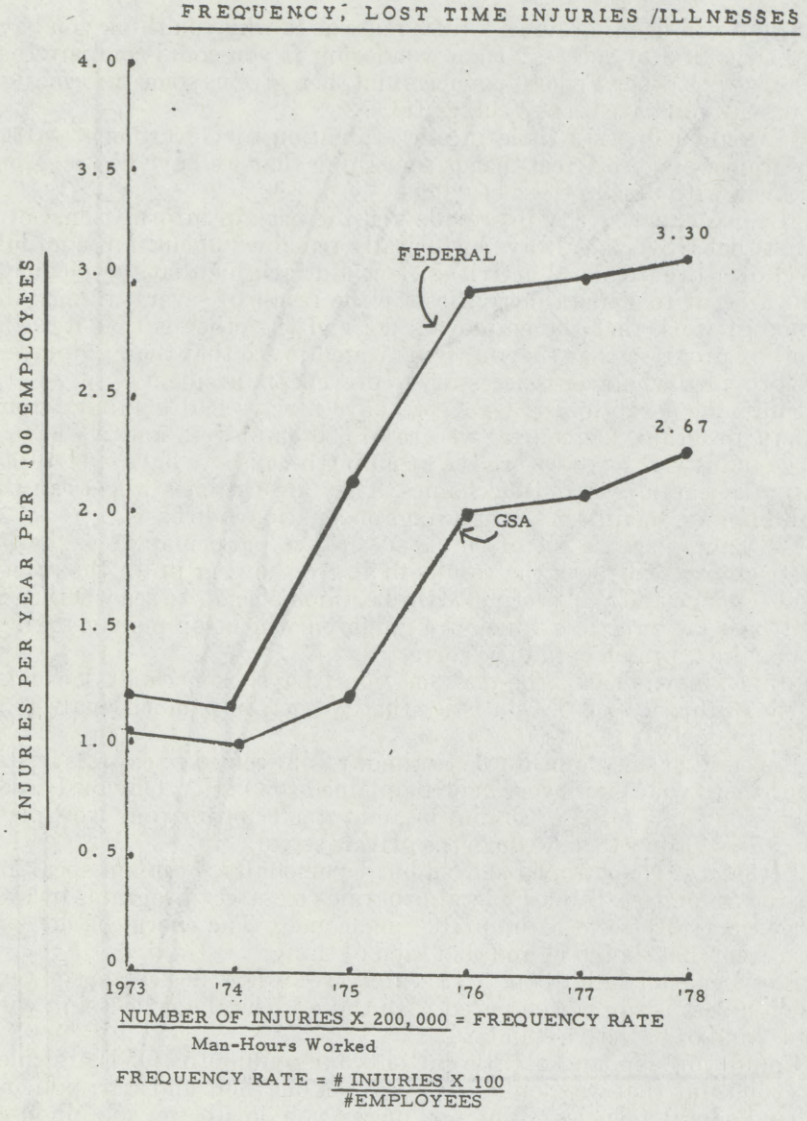
[Information submitted by John Galuardi follows:]

The data requested for the last five years is provided herewith and includes:

1. Number of employees in GSA.
2. Number of annual injuries.
3. Number of annual accidents.
4. Annual claims for injuries and accidents.
5. Costs of above claims.
6. Impact on the safety and health program of GSA.
7. Annual reports to the Secretary of Labor.

COST OF GSA INJURY COMPENSATION - ANNUAL





Mr. GAYDOS. I want to thank you and your staff, on behalf of the committee, for your appearance here today. We will refer now to Mr. Bailey, from Pennsylvania, who will begin the questioning.

Mr. BAILEY. Thank you, Mr. Chairman.

I was not ready, but we will try a few.

Mr. GAYDOS. Do you want me to come back to you?

Mr. BAILEY. No; I will go ahead.

I noticed you were comparing your accident rate with that of other Federal agencies. Has that been a recent change? I noticed a figure from 1949 where your employees had a 1 in 20 chance of a serious accident or disabling injury and that that has now changed to a point where they have a 1 out of 60 chance of having a disabling injury.

Could you peg that down a little more as to why you think you have had that kind of success? I am wondering if you could compare that history with other Federal agencies and then give us some information as to why you have been so successful.

It would help us a little in our evaluation of Government safety programs, because I feel that is something that we have had a severe problem with during these hearings.

Mr. GALUARDI. We will provide you the backup information, but I think that GSA has always historically remained about in the middle level of all the Federal activities. I would imagine that the incidents which occur to Federal activities are the result of several things, the kinds of work that the employees do, and the other is that it is the kind of program that they have instituted to see that their employees are provided whatever is necessary to prevent the accidents.

Since the inception of GSA, we have always had a fairly strong safety program. Of course, we are 37,500 employees and we have a large industrial force within the grouping because we have over 10,000 custodial employees and mechanics. They are the ones who clean the buildings and maintain the buildings on a nationwide basis.

We have placed a lot of emphasis in that particular area, the industrial area. I believe the results of it are showing up in the safety field councils and the meeting with the union officials to see whether or not there are practices which are going on which top management is not aware of which need to be corrected.

Mr. BAILEY. That is the real question I have. Sometimes, I wonder in the evaluation of the statistics that we get, how much analysis is actually done?

I noticed at one point in the testimony you seemed to express irritation where your employees had complained to OSHA. Obviously, you folks don't like OSHA coming in and interfering in your workplace the way we allow them to do in the private sector.

Yet, and it is not aimed at you, but I personally, I am not speaking for the committee, think Federal programs or safety programs by and large generally seem to be pretty inadequate. The energy is not put into them that should be and that kind of thing.

So when you talk about your safety record, it doesn't mean very much unless it can be compared with those Federal agencies and with some kind of objective standard.

Could you expound a little bit on your opinion of OSHA's role? Do you think that we should let OSHA get out there and start policing other Federal agencies? Why not, or can you do a better job inhouse?

Mr. GALUARDI. I don't think our irritation was the fact that OSHA came in. I think our irritation was the fact that there is a tendency to say, come to us first, whereas let the activity who really has the problem and can solve the problem, because OSHA cannot solve any problems. All they can do is call attention to them within our own agencies.

So the irritation is, don't encourage the employees to go out, to encourage the noisemaking part of it before you get to the problem-solving part of it.

We are interested in solving any of the problems that we have. I don't know that we have not ever acted as quickly as we need to. Some of the activities that need correction or abatement are fairly expensive.

Therefore, it goes beyond our financial ability to be able to undertake it instantly. We have to go through a budgetary process to make some of the changes.

As an example, one of the variances I said that we had with the OSHA standards in construction is the fact that GSA has a policy for sprinklering buildings that are over six stories high. The cost of sprinklering is a very expensive product. We have to put it into a program and we have to do it over a long-range basis.

We feel that that change in our policy is very important in high rise buildings for the safety of the employees.

So our irritation is not that OSHA should not come in to look at whatever it is we are doing. In many instances we have invited OSHA in and asked for their help in providing solutions to some of the problems.

Mr. BAILEY. You don't object, then, to OSHA coming in and inspecting your facilities?

Mr. GALUARDI. I think the only thing we have objected to was the no-knock policy.

Mr. BAILEY. Well, the courts seem to have obviated that problem.

Mr. GALUARDI. There is an executive order now wending its way through the administrative branch and it will say that OSHA will come in and inspect. We have interposed no objection to that.

Mr. BAILEY. That is very interesting.

Thank you, Mr. Chairman.

Mr. GAYDOS. Mr. Edwards?

Mr. EDWARDS. I have no questions.

Mr. GAYDOS. Mr. Buchanan?

Mr. BUCHANAN. I was interested in your response to Mr. Bailey because if I had closed my eyes, I might have envisioned almost any private employer giving those same responses.

I would like to ask if you think these same principles that you espoused should apply to the private sector as well as to the degree of OSHA authority? You see, all the private enterprise people say to us that they, too, want safety and health and that they are the people who must take the action to so provide. Some of these actions require a lot of money and they say that they have to do it over a period of time rather than immediately. We have received this kind of response.

Would you feel these same principles and responses would be appropriate for the private sector?

Mr. GALUARDI. I am afraid I would not like to comment, especially since the OSHA people are sitting in the back and they didn't give me the answer to give you in the first place.

Mr. BUCHANAN. One of my personal problems in the world is that the Federal Government in this country is its largest employer and in the area of equal opportunity, for example, it is by every statistical measure a major offender. Yet, EEOC has no authority over the Federal Government. It seems to me to be the same type of thing in this situation.

We would put everybody else into jail if they don't do right, but when it is the physician healing himself, he gives himself a very light dose of aspirin. It is kind of important that the same thing not apply.

Let me ask you what the cost estimate would be to bring buildings under GSA in compliance with OSHA? Do you have any idea?

Mr. GALUARDI. We have about a $1 billion backlog of all kinds of work that we have to do in Federal buildings. We have introduced this safety and health as a program item within it. It was $190 million of that $1 billion which is for the safety and health.

Mr. BUCHANAN. You feel that $190 million would be what would be required to bring you in compliance?

Mr. GALUARDI. That is what we have identified so far to date by actual inspections in each of the facilities to specifically identify things that need to be done. These are Government-owned buildings, not leased buildings.

Mr. BUCHANAN. I mean in terms of OSHA standards and regulations, is it your position that what you are doing would equal or exceed OSHA standards and regulations?

Mr. GALUARDI. $190 million includes some things we have adopted as our standards which is higher than OSHA standards, especially sprinklering of buildings.

Mr. BUCHANAN. Does that include buildings that house your own people?

Mr. GALUARDI. It includes those which house us and everybody else in the building.

Mr. BUCHANAN. If I may put my black hat on further for just a minute, you mentioned that you had 10,000 custodial and maintenance employees. We get some complaints from agencies from time to time on this general area.

I among custodial and maintenance employees, I imagine a pretty high percentage of those would be custodial, would they not?

Mr. GALUARDI. About two-thirds of them, I think, are custodial.

Mr. BUCHANAN. Do you feel that you have an adequate number of maintenance people to cover your responsibilities? If not, how many more would you need?

Mr. GALUARDI. Well, we do maintenance by many different methods. One is with the Federal work force and the other is by contracting out.

So between the two, we do have enough dollars to take care of what our maintenance requirements are. Those dollars support the Federal employees when it is done by the Federal work force. The other dollars are spent by the contractors.

So we believe we should have no reason not to expect the maintenance procedure to take care of our requirements. However, with regard to the capital investment items—$190 million—the Congress seems to be giving us adequate amounts of money; they have been giving us about $200 million a year to take care of capital investment and maintenance.

So as far as the level of our appropriation, it seems adequate to us.

Mr. BUCHANAN. This might not, in all cases end up in preserving health, but it might in some. We have heard from several agencies that it takes GSA as long as 3 or 4 months to remove an electrical outlet. Now that may be typical and unfair, but I call it to your attention because we have gotten some reports along this line.

Mr. GALUARDI. We are aware of that. Part of our problem stems from the fact that, as everybody knows, we had some defalcations occur in GSA about 1½ or 2 years ago. As a result of examining our procedures system, we made major knife-cutting into the procedures.

As a result of that we have ended up with a very substantial backlog of work not being done.

Admiral Freeman who is now our administrator just made the decision yesterday that we are going to end up using a system whereby we will delegate back to the agencies $1,000 worth of authority to use term contracts which GSA lets, or a unit price agreement where we would enter into agreements with lessors and let them order their work directly from these contractors.

We hope to thereby reduce the substantial backlog of very small kinds of problems.

As you mentioned, you can't get a new outlet in so somebody can plug a typewriter in so they can go to work, that type of syndrome that occurs.

Mr. BUCHANAN. Thank you very much. I appreciate your candid response.

Mr. GAYDOS. Mr. Edwards?

Mr. EDWARDS. I would like to go back over some of the grounds Mr. Buchanan raised.

I noticed a couple of places in your testimony you talked about the power of waiver which rests in your office. You talked about at least one set of OSHA standards on fire protection that you chose not to adopt because they were not really compatible with your needs.

I am concerned about the same point that Mr. Buchanan raised, that we hear testimony every time this subcommittee meets from people in private industry who also have pretty good health and safety records who feel that certain standards don't really apply to them and yet they are forced to abide by them.

I am concerned by the entire idea of the Government being exempted from those regulations it applies to everybody else. It would seem to me that if there is going to be an OSHA and OSHA is going to enforce health and safety standards, the people who ought to enforce the standards for fires are Federal employees and people who work in Federal buildings.

I know you kind of—and I can understand why—avoided answering Mr. Buchanan's question about whether you feel that the same rights ought to be given to private industry.

I would like to ask you again if you might comment on that because you are in a management position. You have responsibility for a great number of employees. You have an opportunity to see whether or not health and safety standards can effectively be carried out without being under OSHA mandate.

Would you tell me, first of all, are there a number of specific areas like the fire protection standard where in fact you have chosen standards that are different than the standards OSHA would have had?

I know you say that they are comparable and equal. Are there a number of areas in which your standards are different from what OSHA would have you doing?

Mr. GALUARDI. I have been in the job since August 1978. I have not in that period of time issued any waivers. I believe I would have to ask Mr. Maisch to answer the question as to what others have occurred.

But the major one that we have explained here is something in which we feel that our standards are higher than what the OSHA standards are, not lesser.

As I said, as an example, we require sprinklering in buildings and they don't. That is because we have adopted it as a policy and feel it ought to be a higher standard. We wrestled with that question a long time as to whether you want to make that large a capital investment for that purpose.

But we finally came down from the standpoint of life safety in high-rise buildings where the fireman's ladders can't reach above the sixth floor that we wanted sprinklering. We don't think that we are waiving any of the OSHA standards to a lower level for that purpose since we feel like the Government activity—we could possibly do that on our own.

We don't feel we have done that. We have started with OSHA as the base and have built up. Whether or not the private industry would adopt the same sort of an attitude, I am not sure.

Of course, I am not a lawyer, but I am sure that there are many definitions of what does everything mean. If private industry was allowed to waiver the regulations, they could adopt them in such a way that they are beneficial to them and yet deteriorate the standards OSHA is attempting to install.

Mr. EDWARDS. I am going to be the last one to quarrel with your having more strict standards since my office in Oklahoma City is on the seventh floor. I don't have any objection to that.

But the point is still that you did have that option. I wonder why you think that management of your office might be more humanitarian in its concerns than private enterprise management?

You had the option. I am not certain in which direction I am going. I have always felt, of course, that private industry ought to have options, too. But I have also felt that if anybody should not have the options, it should be the Federal Government.

Did you want to comment on that?

Mr. KLINKER. Yes, I would like to. I would like to say that really we have not usurped the OSHA requirements. Subpart E that they have adopted is a few bits and pieces out of the National Fire Protection Association life safety code. It leaves a lot of gaps.

Now a document that we have, the Building Firesafety Criteria Handbook, adopts the life safety code, as our basic guide. So, therefore, since they only adopt part of it and we adopt the whole thing, we are not really bypassing their standards. We are in fact using more requirements than they say are absolutely necessary.

To this end, Mr. Galuardi has sent a letter to OSHA stating we consider this to be a problem, and they have answered back stating that they will take a look at it.

Mr. EDWARDS. I noticed in your testimony that you said that your health and safety record is comparable to selected private industries with which you have made comparisons.

Do you happen to know how your health and safety statistics would compare to private industry as a whole? When you talk about selected industries, I don't know whether they are industries that are dealing primarily with office work as your office would be or whether you are comparing it with manufacturing facilities or what.

What kind of statistics do you have?

Mr. GALUARDI. I can't remember it all here today, but the industry total is much above the Government level. However, I have been told

that the private industry is coming down to the Government level and the Government level is coming up to the private level.

Now in the private level you do have industries that are heavy industrial industries which have normally higher incident rates.

I believe that what we are talking about is comparing our own to comparable kinds of activities. Now it leaves out the heavy industry part of it but I don't think it compares it only to the office force operations of the private industries.

It is a generalized private industry.

Mr. EDWARDS. Let me ask one final question.

If this committee should choose to recommend legislation that would extend mandatory OSHA coverage to all Federal agencies, including your own, including enforcement procedures as are applied in private industry, do you anticipate that your agency would object, that you would try to oppose that legislation or testify against that legislation?

Mr. GALUARDI. I think we would have to look at how you write the enforcement side of it, depending upon how it is written we might have some objections to that aspect of it.

Mr. EDWARDS. Thank you, Mr. Chairman.

Mr. GAYDOS. Commissioner, in comparing GSA with other Government agencies would you agree that you run a relatively simple operation?

Would that be an accurate statement?

Mr. GALUARDI. I think on an average we are on about a par with others. I think the Defense Department is probably a different sort of agency as compared to us because they have Navy shipyards and some heavy industry. But on the whole we have pretty near a cross section of what everybody else has.

We have some laboratories but certainly not the number that the other agencies have. We do have the responsibility within our program, not for our own employees, of course, but for providing that work place which those other agencies have. In other words, the laboratories.

Mr. GAYDOS. That is where our complaints have originated. We have had agencies come to this committee and state that their complaints about bad working conditions, required renovations and/or adjustments are not heard. You stick them in rat traps and they find it very difficult to function.

Mr. GALUARDI. You came very close. The acronym for our computer system is RACATS. Maybe that is what they are telling you. It is not rat traps, it is RACATS. Rats we have, yes.

Mr. GAYDOS. What are you doing about them?

Mr. GALUARDI. The RACATS system is the one we are describing where there are capital investments that have to be made and we have to put them into the budgetary process in order to get the funds.

We have to make a fine line distinction when we are talking about some agency activities within a building. Sometimes the complaints come to us as though we have to take care of it when it is really the agency itself with its own mission that has to worry about it.

As an example, we have the space to take care of, but they have an activity going on within that space which might require a hood, and the hood standards for ventilation have changed.

They come around to us and say, you change them. We say, no, that equipment is yours and you have to change it. If they give us the money to do it, we can proceed and buy and install that unit. I don't know why they would be complaining about that; it is their responsibility.

Now, if it is a major change to the building, like the ventilation system has to be changed in order to provide it, that is something else.

Mr. GAYDOS. That conflict would have to be resolved. You should have a report and a disposition of the complaint. That has not occurred.

Allow me to understand how you operate your department, if you would.

Could you cooperate with me in that respect?

Mr. GALUARDI. Sure.

Mr. GAYDOS. You are there a year; is that right?

Mr. GALUARDI. In this present position but I have been with GSA a long time.

Mr. GAYDOS. In that position that you hold is it exclusively your responsibility to administer and to enforce the program of safety with GSA or do you have other duties that you must respond to?

Mr. GALUARDI. I would say I am very lucky. I have other duties which include the control of the funds which are used for abatement of the things I am finding.

Mr. GAYDOS. Do you have any other additional duties?

Mr. GALUARDI. I am responsible for the energy program.

Mr. GAYDOS. Are you saying you have energy program responsibility in your administrative capacity, along with budgetary responsibilities and enforcement responsibilities in the occupational safety and health field?

Mr. GALUARDI. Yes.

Mr. GAYDOS. Would you classify yourself as a full-time health and safety administrator or would you say you are one who is partial, that you have other assigned duties and therefore you are part time?

Correct me in that aspect.

Mr. GALUARDI. As to my own personal time it is part time but I have a whole divisional staff.

Mr. GAYDOS. We are going to get to that staff and what they do and how full time their job is, too.

I am asking you, as the Commissioner; it is part time, isn't it?

Mr. GALUARDI. It is part time; yes.

Mr. GAYDOS. Then all these elaborate reports that we are hearing about, as far as the priority given by GSA as to health and safety are not so accurate.

We have you as health administrator part time. Let's look at some other aspects of your organizational chart.

How many people directly respond to you as the Commissioner?

How many lieutenants do you have in these areas around there?

I think you mentioned in your testimony 12 or 14 areas.

Mr. GALUARDI. I have five people.

Mr. GAYDOS. Would you identify the five people?

Mr. GALUARDI. Russ Maisch, who heads up the Accident and Fire Prevention Division.

Mr. GAYDOS. Let's stop with him. Is he full time or part time?

Mr. GALUARDI. He is full time.

Mr. GAYDOS. Let me ask you, Mr. Maisch, how many people directly respond to you and what is the overall jurisdiction of your duties?

Who do you report to and how many people will report to you?

Mr. MAISCH. There are 20 people reporting directly to me. Of those, 16 are professionals or technicians. They are in the firesafety area and in the safety and health and industrial hygiene area. That is at the central office level.

Mr. GAYDOS. Where do you do your business, here in Washington?

Mr. MAISCH. I do it 100 percent in Washington.

Mr. GAYDOS. Do you ever go out into the field?

Mr. MAISCH. Very definitely.

Mr. GAYDOS. How often?

Mr. MAISCH. Usually once a month at the least and sometimes twice a month.

Mr. GAYDOS. Roughly 10 or 20 times a year?

Mr. MAISCH. That is right; that is for myself. For my staff that is increased considerably, approximately one person 1 month, the same thing.

Mr. GAYDOS. Are you included in the 70 people we are talking about?

Mr. MAISCH. I am included in that.

Mr. GAYDOS. And the people you report to would be included?

Mr. MAISCH. That is right.

Mr. GAYDOS. And your typist and secretary are included?

Mr. MAISCH. Yes; I said there were 16 out of my 20. That leaves four clerical.

Mr. GAYDOS. When you say professionals, can you give me their classification?

Mr. MAISCH. I have firesafety engineers; and safety engineers. I have safety specialists, and I have firesafety technicians. I have an industrial hygienist; I have a position for one.

Mr. GAYDOS. How many industrial hygienists do you have?

Mr. MAISCH. There is one on board at the present time.

Mr. GAYDOS. Where is that person located?

Mr. MAISCH. He is not on my staff, but he works in the program area.

Mr. GAYDOS. Full time or part time in safety and health?

Mr. MAISCH. That is full time. The industrial hygienist on my staff is basically at the program level, establishing and evaluating the program, giving staff guidance to the regional activities to implement or apply.

Mr. GAYDOS. How about other classifications?

Mr. MAISCH. That is basically it.

Mr. GAYDOS. The next guy in line, Commissioner? Who is the next of the five, the right-hand bars or lieutenants or whatever you want to call them?

Mr. GALUARDI. Don Winegarden heads up my Operations Division. He also is acting right now because I have a vacancy in the Energy Division; so he is heading up two divisions.

I have Wolfgang Zoellner who heads up Repair and Alterations and Bob Marcus who heads up the Concessions Division (cafeterias).

Mr. GAYDOS. Do they have health and safety problems there? Are these the health and safety enforcement officers?

Mr. GALUARDI. Yes, sir; we have a system within our concessions unit which contracts with the Food and Drug Administration for the purpose of making all the inspections of the cafeterias which GSA controls nationwide.

Mr. GAYDOS. How often are they inspected, if you know?

Mr. GALUARDI. I know there is an annual requirement for an inspection. I think it is even more often than that.

Mr. GAYDOS. Basically they must be inspected once a year. Do you think once a year is sufficient for a cafeteria inspection?

Mr. GALUARDI. You are catching me with something I cannot remember. I know it is more than once a year.

Mr. GAYDOS. Who does the person report to who is responsible for cafeteria safety and health? Explain that procedure.

Mr. GALUARDI. I am in the central office of GSA. Our role and responsibility in the central office is to set policy and procedures for the 11 field units which GSA has to perform the actual onsight operational work.

Mr. GAYDOS. What type of reporting system do you use?

Mr. GALUARDI. The reporting system comes in to me and Russ Maisch.

Mr. GAYDOS. How do all these reports come in? For instance, what happens if there is a problem with one of the restaurants in the Federal building in Pittsburgh?

Mr. GALUARDI. That doesn't come to him. It comes to Marcus who reports to me and I give it to Russ. As an example, we have had a facility close down in Washington.

Mr. GAYDOS. Who looks at the report and examines the authenticity and disposition?

Mr. GALUARDI. It depends on how severe the report is. If it is very severe it would go all the way to the Administrator of GSA. The Administrator got involved in the Lansburgs situation, as you are aware from the papers. So the buck can stop right at the top. Even that can be reported to the President if it is severe enough in a report we give to the White House.

As far as the reporting system, it goes to the level which is necessary.

Mr. GAYDOS. Well, your frequency rate is increasing according to the chart attached to your statement. That is frequency of occurrences. Can you explain that in light of your other chart which indicates a decrease?

Mr. GALUARDI. No, we don't have a decrease.

Mr. GAYDOS. Well, how do you account for the frequency increase in here? Are we talking about the same thing, health incidents or compensation claims, either or both?

Mr. GALUARDI. These are lost time injuries and illnesses. So it is those which are caused on the job. The answers are not clear to everybody, neither us nor OSHA nor everybody else, I don't believe. But in 1974 the law was changed for the OWCP. As a result of that one of two things, more people were concerned and interested in this and therefore the number of counts being made have increased.

There may have been as many of these things occurring before but the number of them that are coming into a management information system whereby you are able to determine how many there are has in-

creased since that period. In fact, the actual number of the units occurring is increasing. We couldn't, in all our wisdom and judgment, make a distinction as to how much of it is real and how much of it is apparent.

It is sort of the same thing that has happened as far as the vehicle accidents with the Federal activities. More people have to report these accidents so therefore you have more accidents occurring with vehicles.

Mr. GAYDOS. Your statistics do not reflect an injury that occurs in the Federal building in Pittsburgh, Pa., for want of an example, in the military recruitment office which claims that the injury occurred because there was a deficiency in the structure of the building. That doesn't include your statistics.

Mr. GALUARDI. These are only GSA employees. These are not other agency employees.

Mr. GAYDOS. Do you consider that a problem whereby some deficiency in our overall operation causes a statistic?

Mr. GALUARDI. Yes.

Mr. GAYDOS. But it is not attributable to you. It is attributable to the agency in which it has occurred.

Mr. GALUARDI. The count is attributable to the agency but they have to find out what the cause of it is and if it is something physical that is causing it, get the physical thing changed or abated.

Mr. GAYDOS. But that statistic doesn't change; the statistic rests with the military or the Department of Commerce, whichever. They have the statistic and if that person collects unemployment compensation or another type of disabling compensation through FICA or some other agency, that is their statistic and not yours. It doesn't appear on your chart.

Mr. GALUARDI. You have to be aware that GSA does not control all the space that the Government has. As a matter of fact, GSA controls very little of all the spaces that the Government has.

Mr. GAYDOS. I am aware that GSA doesn't have its knees in this building and a lot of other buildings, too. Maybe as this information is being revealed to us, maybe it is a good thing.

Mr. GALUARDI. The only difference is that the other agencies don't complain against themselves. They are the ones that control it and run it and give you the statistics.

Mr. GAYDOS. You have standards you have to put into effect; right?

Mr. GALUARDI. Yes.

Mr. GAYDOS. You periodically review and revise these standards; right?

Mr. GALUARDI. Right.

Mr. GAYDOS. When you do this, how do you enforce these standards? What procedures do you have internally for enforcing standards you have taken so much trouble to put together and which you claim, and maybe rightfully, are better and higher than those that are suggested or promulgated by OSHA per se?

Now, assuming that is the case, how do you enforce your standards?

Mr. MAISCH. First, we issue internal guidelines which are binding on administrators in all regions.

Mr. GAYDOS. What do you mean binding upon the administrator?

Mr. MAISCH. They are requirements of the agency for the regional administrator to carry out. They are defined formal requirements of the agency, guidelines for implementing them and responsibilities for carrying them out. Now, the way we enforce that is through these issuances.

It makes it a requirement across the board in GSA. We evaluate these through surveys and inspections, by not only accident and fire prevention, as we refer to it—which is all the safety and health staff in the agency—but also staff at the regional and central office levels.

In many instances where there is a lack or temporary shortage of capability from the standpoint of profession, we will send professional people out from my staff to evaluate, assist, and guide what is going on in comparison to requirements.

Mr. GAYDOS. When was the last time a supervisor was reprimanded or discharged because he did not enforce the safety standards?

Mr. MAISCH. Reprimand is done quite frequently, not formally as you may refer to it, but as far as discharge is concerned, I know of no instances.

Mr. GAYDOS. Let's talk about reprimand. What form does that take? Is it on his record or does it take the form of a directive? Does it appear on his permanent jacket?

Mr. MAISCH. Sometimes it does. Most times it appears as a lack of responsibility in the program management area or in his responsibility area. It is brought to him formally as a program procedure. We are attempting very seriously right now within the agency, during the reconstitution of our employee appraisal program, to have this as a line item on the appraisal of every supervisor.

Mr. GAYDOS. A line item as to whether he has been reprimanded?

Mr. MAISCH. No; appraisal on his appraisal sheet.

Mr. GAYDOS. Does your department have an established procedure for enforcing compliance with its standards? Yes, you have it or if you don't, why not? How can you answer that?

Mr. MAISCH. You said procedure. I would say yes.

Mr. GALUARDI. We have a codified system of regulations which are written out for people to follow.

Mr. GAYDOS. How do you enforce it?

Mr. GALUARDI. Through evaluation of whether or not these people are following all rules and regulations.

Mr. GAYDOS. Am I accurate in concluding that your only enforcement is a reprimand? Isn't that how you enforce your standard, by reprimand?

Mr. GALUARDI. No; it is by finding the cause and correcting the cause.

Mr. GAYDOS. You are informed of all the different problems throughout the various buildings that you operate and you correct every one of them?

Mr. GALUARDI. I couldn't logically say to this committee that is 100 percent of what happens because we are an agency as any other agency and there are certainly deficiencies that occur in the process of managing an agency. But, yes, the process is there for it to occur. How well it occurs is a matter of how well things are managed.

Mr. GAYDOS. What about your labeling program? Have you made any changes in it?

Let me refer to a specific instance. The Air Force, using that solvent with which you are familiar, is having difficulty with it because of the mislabeling or insufficient labeling of the solvent.

What have you done about that? What are your standards to protect people? How about the future and additional items that fall in the same kind of category?

Mr. SCHILDER. I think you are talking about the hazardous items that are identified by Federal Standard 313 which requires material safety data sheets to be provided by the contractor when he turns over his material to the Government for use.

The Federal standard was previously written by the Navy. Three years ago there was a hearing similar to this and responsibility for the Federal standard was transferred to GSA.

Mr. GAYDOS. What about now? What is your regulation?

What is required as far as that data sheet? Do you check it as a matter of course? Is it supplied by the manufacturer and all you are is a conduit through which the material sheet passes and goes on to the agency utilizing the product in question?

Mr. SCHILDER. To answer your question, sir: Starting back in 1976, we rewrote the Federal Standard 313, version A, and these data sheets do come from the manufacturers to the Government—let me only speak for GSA—to the GSA quality assurance specialist who is supposed to assure compliance with the contract not only in number of items delivered, quantities, types, performance, but also data sheets. He is supposed to make sure the data sheet does come with each production lot from each manufacturer.

Mr. GAYDOS. How do you enforce that?

Mr. SCHILDER. It is in the contract I am told by the people that run that function that the data sheet is supposed to be provided at the initial production acceptance time. If the data sheet is not provided at that time, the first production lot is not accepted. It is part of the contract.

Mr. GAYDOS. The importance of enforcement comes to fore. If a supervisor doesn't respond to the new standard you have and doesn't supply the data sheet and consequently the solvent or some other like material is used improperly because of an improper data sheet or did not accompany the item, how is he reprimanded? How is that procedure enforced?

Mr. SCHILDER. I don't know about that, sir, but we are catching up in the Government, DOD, and GSA, to provide data sheets for all these products.

In the past, as we all know, they haven't had the data sheets. It is a new surge, I believe since 1976, to get all these data sheets and provide them to the user, so that they know what to do in an emergency.

You are probably aware DOD is developing a computerized system to distribute microfilm that has all these data sheets. GSA is providing our data sheets to DOD to include in their system.

Mr. GAYDOS. Let's go to asbestos. How do you handle it, the product, the installation? Are you doing it with the data sheets or another procedure?

Mr. SCHILDER. There are two problems with asbestos. One is in buildings and the other is in products. Quickly on products, I believe there is a little hazard for nonfriable type fibers, fibers that don't go through the air very easily, let's say in asbestos gloves where asbestos is needed for its properties to prevent burns or fire.

Asbestos in buildings is the other problem. We have been looking at that over the last couple of years. We have let a contract to study, to investigate asbestos in particular buildings, a sampling of several buildings throughout the Federal Government over which GSA has control.

We are working with EPA on the public school buildings program. We have just about basically taken what they have word for word and sent it out to our regions and said this is the guidance EPA is providing on asbestos in schools, we really shouldn't be any different. We will use the same procedures and work along with EPA on a voluntary cooperation with them before there is a requirement.

Mr. GAYDOS. Then your procedure of enforcement, I presume, is that it is sufficient and, therefore, those who are complaining that GSA is not doing a good job in enforcing the standards they have put together and adopted are erroneous or should you follow those compaints and make some procedural changes?

Mr. GALUARDI. I think the complaints you are getting, we are not getting. It is nice to tell you about it but if they don't tell me about it, I can't do anything. I think that is the first step. Whoever has the problem better come forward and tell the people who can do the abatement.

Mr. GAYDOS. The problem has been the complaints are made but they presume a lack of internal procedure to process the complaint to the proper people who would make corrections. That is the nature of the complaint we receive from the committee, that they do complain but nobody responds, and if they do it is the same situation existing 6 months later.

Could you specifically point to the internal procedure you have to readily process these complaints to a conclusion of disposing of them one way or another.

Mr. SCHILDER. May I attempt to answer that?

Mr. GAYDOS. Yes; I am looking for information on behalf of the committee.

Mr. SCHILDER. We realize there is a problem. Most of us who work with the safety specialists all worked for other agencies before. We always blamed GSA for our problems or accidents or somebody else.

Mr. GAYDOS. Could you stop right there? Is there a rationale for why you blamed GSA? Or should it justifiably be the recipient of that complaint because of laxity?

Mr. SCHILDER. There are two reasons. One is it is always easier to blame a problem on somebody else. Sometimes it is somebody else's corrective action to abate a hazard. Our procedures in other agencies never did provide for telling GSA about it.

Mr. GAYDOS. They did not.

Mr. SCHILDER. No, sir. Now, on the other hand, I am trying to find out this information. In other accident reporting systems, say in the military recruiting commands statistics, there is no way to get that

out of the Army safety data base and over to the GSA information system to tell us what the problems are.

Mr. GAYDOS. Let's assume then that between agencies we have that deficiency. What type of procedure do you have to process claims internally from your own employees?

Do you have collective-bargaining agreements that provide for a procedure of complaints and the handling of complaints?

Mr. GALUARDI. GSA has many, many bargaining systems. We don't have one.

Mr. GAYDOS. We are familiar with that.

Mr. GALUARDI. It has to go to each individual contract. I believe there are a few in which the safety aspect is a bargaining question within the contract.

Mr. GAYDOS. Would you have an opinion at this time? Is it 60 to 40 percent or 70 to 30 percent? How many do you have out of all the people you have?

Mr. GALUARDI. I knew at one time. I think it is around 80 or 90 percent.

Mr. GAYDOS. They would be covered by some type of agreement?

Mr. GALUARDI. Some type of agreement.

Mr. GAYDOS. Since clearly a majority of your employees are covered by agreements, do you find the agreement addressing itself to this problem? I am talking about the procedure in discovering and channeling and hopefully ultimately disposing of a complaint involving health and safety.

Mr. GALUARDI. I don't think within most of the agreements that is a major item within the contract. We don't have contracts with everybody.

Mr. GAYDOS. When you make these inspections, would you know whether they provide for walk-around rights?

Mr. GALUARDI. Our regulations provides this.

Mr. GAYDOS. Every time you make an inspection you make provisions to be accompanied by a representative of the worker; is that correct?

Mr. GALUARDI. It is not quite stated that way. The opportunity is given to the union if it wishes to. "If you want to do it, come and go with us."

Mr. GAYDOS. Do you have any complaints from the bargaining representatives that you are not responding to needs of the workers?

Mr. GALUARDI. We get some complaints. We do have them. The way we handle them is we meet with them and ask them what the problems are and attemp to resolve the problems just as any management organization has to do.

Mr. GAYDOS. Would you feel we made a mistake as a committee if we, through legislation, would support and ultimately pass and have signed by the President legislation which would give jurisdiction to OSHA as it now applies generally throughout private industry to include GSA and other Government facilities?

Do you think it would be a waste of the committee's time? Do you think it would be counterproductive?

Mr. GALUARDI. I think you would be building an extraordinarily large organization over there which I am not sure the Government can

totally afford. It depends on where your priorities are. I believe there is some system that has to be established. I do believe that the administration is currently working on a system whereby it would be done within the administration side itself. Whether legislation is required, I am not so sure I can advise the question as to whether it is necessary or not.

Mr. GAYDOS. Would you as a commissioner and the people around you along with your experts have difficulty adjusting, responding to OSHA as an outside agency that would be supervising this problem if this were to occur?

Mr. GALUARDI. I believe there would be some conflicts that would come up and some problems but I am not too sure that I have the foresight or the knowledge to understand what your legislation would be like and how it would impact. It is something which everybody seems to be naturally combative against and yet I don't know of anybody anywhere who ever says they are against safety and health of their employees.

I think we as managers feel it strongly. I think we promulgate it through our organizations for supervisors to do it.

Why this conflict exists I am not sure, because we all seem to have the same motive to see that nobody gets injured.

Mr. EDWARDS. Would the gentleman yield?

Mr. GAYDOS. Yes.

Mr. EDWARDS. Let me try to get a couple of things clear in my mind. To what extent do you have your own inspection system rather than relying on employee complaints? How frequently do you initiate inspections of the various cafeterias, for firesafety procedures, et cetera, or to what extent do you have to rely on a complaint?

Mr. MAISCH. We have three methods we mentioned in the testimony. One is for firesafety and the other two are for OSHA.

Firesafety requirements from a full-fledged engineering standpoint call for inspections each 4 years in our buildings. Not many things change to any great extent in that time.

In the safety and health area it is yearly. We require a minimum of a yearly inspection.

We also have on a daily, weekly, or monthly basis self-inspections which are required from our managers or supervisors where the work is going on. Those three are required. We have schedules on them. We monitor them. We look at the reports. From these inspections we supply repair and alteration requirements and abatement requirements.

Mr. EDWARDS. How about an area like a cafeteria where there might be rather rapid changes in the health and safety conditions? Are those rather frequent inspections or is that just left up to the local management of the cafeteria?

Mr. GALUARDI. I can't remember the frequency. I am embarrassed by not being able to remember. I did know it. As a matter of fact, we have more than one inspection of our cafeterias. We contract with the Food and Drug Administration for them to make an inspection. In the local community we ask the local community organization, which is responsible for that, to come in and do it. Then we have our own staff member in our regional staff to do it and then we have the manager, who is in the building, look at the cafeteria.

So the number of inspections that we have in cafeterias is fairly high.

I believe that you may have seen in the newspapers that GSI is the one who runs most of the cafeterias in this area. As far as their health is concerned it is higher than many of your high-priced restaurants in Washington.

Mr. EDWARDS. I have read those stories too.

I am going to assume that I missed something. I am going to assume there was a point made by you that went by me. In trying to determine what your answers were to the chairman's questions about compliance enforcement, I must say that my impression, after I heard his questions and your answers, was that in fact there is no enforcement except maybe some bureaucrat is going to get a little checkmark on his jacket folder, some sort of reprimand.

What I gather is that if there is an inspection or complaint, what then happens is that you determine to correct it and somebody is told to correct it and if it doesn't get done, they get a reprimand. You don't know of anybody who has been fired. So in effect what you are doing is just ordering yourself to make a change and if you don't make that change, somebody gets reprimanded? Am I wrong? Is there an enforcement procedure beyond that that I have missed?

Mr. GALUARDI. I don't believe there is but I don't understand the line of your questioning. You seem to imply that people are willingly doing something which is going to cause problems. I keep saying it is like motherhood and apple pie. I don't know anybody who wants to impose something upon an individual that will cause an injury.

Mr. EDWARDS. I wonder whether lack of total competence might occur in an agency of that size.

Mr. GALUARDI. That is quite possible.

Mr. EDWARDS. I asked you earlier about the fact that we do require compliance and enforcement in dealing with private industry. Judging from your response, do you have an inherent feeling that Federal officials are more human and wise than people in the private sector?

Mr. GALUARDI. I think one difference is the profit motive. Private industries' profit motive is probably one reason to cause them to make fewer capital expenditures than the Government.

Mr. EDWARDS. I am not sure the motives are all that different. The Federal agency has certain motivations to maintain status quo so that its appropriations are not reduced.

What kind of enforcement, if we had OSHA with authority over what you do or merely try to come up with some better internal enforcement procedures, what kind do you think would be effective?

If corrections are not made, fines taken out of your working budget or out of the salary of the health and safety officer? What is the way to effectively enforce health and safety standards so they are in fact carried out?

Mr. GALUARDI. The citation and the penalty system which everybody seems to want to impose, doesn't seem to me to be the way to get people to perform. Prohibition was prohibition. It didn't work even though you legislated it. I think safety is the same thing. The incompetence or the failures are still going to occur.

If you feel by penalizing people it is going to make that much change at the level at which that is happening, I don't think it is going to occur.

Mr. BAILEY. Would the gentleman yield?

Mr. EDWARDS. Yes.

Mr. BAILEY. Mr. Galuardi, I think in the last few words we have gotten into the nub of the question, the issue of penalties. I think you are a thousand percent wrong. I think it is nice to use a carrot approach but I think it is exceptionally naive.

I think the point Mr. Edwards is referring to is well taken. You made reference to the profit motive. I think one of the problems with so-called Federal standards or inhouse regulation has been precisely the attitude you have. It reflects a great deal of love and respect for human nature that you have. But, I am curious, if you didn't have that druther of yours and you had to recommend some type of penalty what would it be. The idea of enforcement of penalties is precisely what the issue is.

I think, what has happened is the profit motive, you referred to has acted as the policeman once there has been institutions of regulations in the private sector. It has had the effect of making company officials aware of safety problems. However, this is precisely what has not happened in the Federal sector because of the idea that everyone is going to go similingly through their work on a given day. Here everyone agrees health and safety is a severe problem, but you don't intend any harm.

There's no crime in the intention but we do have a negligence law in this country to deal with thoughtlessness. We do have penalties, that don't apply in the Federal sector, supposedly to make you think on the job or command management responsibility with a Federal agency.

If I were right on this point and you were wrong, have you given any thought to recommendations to what kind of penalties you would have? The civil service system acts as a buffer between the role management plays in the private sector and the power the unions have for seeing that things get done. If there were penalties, would you recommend that?

Do you think that is something to which you just don't pay any attention. If not, what meaning will these regulations have?

Mr. GALUARDI. You have a multifaceted question there. I think you are asking me to put myself in your shoes.

Mr. BAILEY. That is exactly correct.

Mr. GALUARDI. I would say I am not capable of doing that.

Mr. BAILEY. We should simply ask people to be nice and enforce safety—that is what you are saying.

Mr. GALUARDI. Let me reverse the position to you. If you were in my position, what would you do?

Mr. BAILEY. First of all, I would make you toe the line. I would force you to accept responsibility for getting out there and seeing that agency complies. I also would force those people that work for you to see—we are talking penalities. You don't have any difficulty with the fact someone doesn't show up for work or if that someone intentionally hurts someone, you are going to hurt them.

It seems to be a rather slow process and perhaps it needs to be accelerated a little bit.

Let's say OSHA had the power to issue citations for violations, what kind of mechanism is there if there is not compliance? I have a tendency to believe that noncompliance could be a severe problem given your approach.

Mr. GAYDOS. We are going to make it specific that they don't attach a congressional salary.

To get into a more serious vein, you know in our armed services and in all Federal agencies we do have certain types of penalties particularly in light of recent supergrade classifications established under the civil service system whereby the competency of the person is measured by the record kept on him and he forfeits any pay increase depending upon his record.

That might be the area where it would be directed but we can't get into that in this committee. When a Navy captain who is bringing his ship into dock damages the bow of his ship, his record shows it and he has to face an inquiry. There is a lot of redtape he has to go through and ultimately he can be fined.

Would you have any specific or general suggestions to the committee regarding OSHA's part in this scenario? How can their services be more readily made available to you and your agency? What should we do with OSHA first to make it more effective under existing law?

Mr. GALUARDI. OSHA has a system which is certainly a good method, because the membership is 50 percent management and 50 percent union. It seems to be an area within which issues can be brought forward within the structure of the management system that exists.

It seems to be a rather slow process and perhaps it needs to be accelerated a little bit.

They also get into some questions such as availability of funds which they have to take to the Secretary of Labor for purposes of getting financing to take care of rather mundane things. That is the Secretary of Labor's prerogative.

I think maybe if you had some way of seeing whatever is a major initiative gets funding, that would help the system.

As I stated before, there is an adversary relationship that seems to come about because of the enactment of OSHA and the establishment of an enforcement provision within OSHA. In my judgment, contrary to Mr. Bailey's belief, it is causing management to pull back from the initiatives which it should be taking in its own organization because it is having the opposite effect of what you intend.

We are only trying to cover our tail now instead of trying to determine whether or not we should be doing the best thing we are supposed to be doing for our employees.

That is what comes out of much of the legislation in the adversary relationship that is being built.

We think the Department of Labor should develop the guidelines or formulas for the agencies to do it. I believe that there is enough power in the Secretary of Labor that he holds over other Secretaries within the Cabinet level, especially in Cabinet meetings, whereby if it is not working within agencies he has the ability to bring it to a point

when the President says do it, you do it. Certainly when you are trying to manage a massive organization, that system already exists and the Secretary of Labor has the responsibility to provide this sort of direction to all the agencies.

We think the Department of Labor should develop a measuring system for indicating the OSHA program performance and activities. Certainly, a major problem with all these things is communication. You and I are talking about it right here.

You say you have certain kinds of problems and I am not aware of them, therefore, I can't solve them. I believe OSHA needs to initiate the communications side of it because it is not getting out to the proper level within the organization, the Government agencies to understand what the program is and what it is about.

You are trying to make it a threat system as opposed to trying to get it out as knowledge, what people want to do for themselves and for each other.

I think that is about it. We have all kinds of programs that need to be worked on, but I want to work for removing the adversary concept which I keep hearing.

Mr. BAILEY. Mr. Galuardi, your difficulty with that concept has arisen because historically nothing was done. You have an interesting statistic in your statement: 1 out of 20 to 1 out of 60, and that is why I asked you the original question.

Unfortunately, the only reason why the issue ever came to everyone's attention was because that applie-pie approach hadn't worked.

Mr. GALUARDI. I have laid it on my people working for me who are the experts in this and I say I don't understand one thing; that is, it seems the more money I spent on this, the more accidents I am getting.

Logic would tell you if I spend less money I might get less accidents. I don't understand why we are spending more money and more things are happening.

Mr. BAILEY. Maybe you are just becoming more aware. The chairman and I were talking about the experience in private industry. A lot of them tell you the reporting factor has gone up because somebody has started to pay attention.

Mr. GALUARDI. We agree with that. That is part of the communication thing. When you let people know you will not tolerate accidents—we are agreeing with that.

Mr. GAYDOS. If you please, when you start comparing what OSHA is doing with 5 million workplaces, 50 million employees, regardless of how haphazard their inspections, no matter how inadequate they are, whether you consider them still on a shakedown cruise because it is a relatively new act, if you take a look at what they are doing with the funds available and compare it to what we are spending for our Federal agencies, there is no comparison. They are doing 1,800,000 times the job our agencies are doing with comparability of funds and allocated personnel to the problem.

That is a matter of fact. I don't think you can dispute that.

You have 70 employees specifically directed toward health and safety measures affecting roughly 38,000 employees. If you could get 30 more employees, as you suggest in your statement, where would you put them? Where are your weak places?

Mr. GALUARDI. I think the weakest place is the industrial hygiene because that is a phenomenon that has come along fairly recently.

Mr. GAYDOS. You have just recognized it. People have been dying from it for years.

Mr. GALUARDI. True, but it is not just recent recognition. It is the esoteric kinds of things that are happening to you, the packaging that you are talking about, et cetera.

Mr. GAYDOS. Would you think you could give some consideration to the aspect we all brought up involving enforcement among your own employees? Some type of system of making sure after a fashion that your standards as put together at great time and expense are enforced after a fashion as distinguished from relying upon the good conscience of our fellow human beings.

Mr. GALUARDI. As I said, I am opposed to the penalty system of enforcement. We are a large management type of organization and there are ways of managing besides using the carrot-and-glove technique.

Mr. GAYDOS. I am going to ask you to furnish for the benefit of the record three things so we will establish some kind of repertoire between your activities and this committee. Most of the people did complain in unison that the GSA is not providing adequate accommodations. They complained that a lot of health and safety problems could be traced right back to you since you have provided them with inadequate facilities, materials, and products.

I don't think I am exaggerating. A lot of agencies have complained you are not responsive to complaints. When you do respond it is a very weak response. If you make available these items that I am going to ask you for, I will make those complaints available to you.

Will you furnish the subcommittee with the following from the past 3 years:

(*a*) The occupational safety and health budget for GSA subcommittee to OMB;

(*b*) The actual request of GSA to Congress;

(*c*) The estimated cost in order that GSA and/or its facilities will conform with OSHA standards.

[The information referred to above follows:]

Occupational Safety and Health Budget for GSA Subcommittee to OMB

Request: OSHA budget for GSA to OMB.

Reply: PBS does not budget safety and health requirements separate from other budget activities. An attempt to estimate the money spent for various safety and health related activities is attached.

Request: Actual Safety and Health request from GSA to Congress.

Reply: The safety and health requirements are included in various PBS accounts. No separate requests can be identified.

Request: Estimated cost to comply with OSHA standards.

$188 million is in the repair and alteration work item inventory (backlog) which is mostly for fire protection improvements in Federal Buildings (excludes leased space).

Money needed for OSHA compliance for non-fire protection abatement is unknown.

Additional funds will be needed for asbestos hazard abatement.

Additional funds will be needed to comply with new standards, e.g., PCB.

Additional funds will be needed to control hazards to workers related to stockpile storage.

GENERAL SERVICES ADMINISTRATION
OCCUPATIONAL SAFETY & HEALTH ACTIVITIES
(Thousands of dollars)

	Section 45 Code #	Exhibit 45A Outlays				
		FY 1977	FY 1978 19PY	FY 1979 19CY	FY 1980 19BY	FY 1981
Total	17120	$5,241.	$5,769.	$6,124.	$6,507	$6,901.

GENERAL SERVICES ADMINISTRATION
AGENCY WIDE PROGRAMS

Activities Classified in Other Missions that also Prevent and Control Health and Public Safety Problems
Outlays
(In thousands of dollars)

Program Activity	Fiscal Year	Research (22110)	Education and Training (22120)	Construction (22130)	Services (22140)	Regulation and Enforcement (22150)	Activity Total (22199)
Fire Protection Program (PBS-OBM)	1977	43.	Ø	7,526	4,000(EST)	1,000(EST)	12,569.
	1978	61.	5.0	19,768	4,094	1,200	25,128.
	1979	173.	Ø	13,000(EST)	4,248	1,100	18,521.
	1980	Ø	Ø	23,900	4,475	1,100	29,475.
	1981	Ø	Ø	15,700	4,743	1,300	21,743.
Cardio-Pulmonary Resuscitation(CPR) (PBS-OFPSM)	1977	No Program					
	1978	No Program					
	1979		530.				530.
	1980		580.				580.
Federal Property Resource Management (Stockpile, Safety & Health) (FPRS-D)	1977	Not Available	NA	NA	NA	NA	NA
	1978	Not Available	NA	NA	NA	NA	NA
	1979	Ø	11.	Ø	797.	120.	928.
	1980	Ø	15.	Ø	3,000	150.	3,165.
Account Total	1977	43.	NA	7,526	4,000	1,000	12,569
	1978	61.	5.0	19,768	4,094	1,200	25,128
	1979	173.	541.	13,000	5,045	1,220	19,979
	1980	Ø	595.	23,900	7,474	1,250	33,220
(PBA only)	1981	Ø	Ø	15,700	4,743	1,300	21,743

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Mr. GAYDOS. There is an admission that you haven't complied with all aspects of OSHA standards. How much would it cost if you have some figures that are realistic in order to bring you in full compliance with OSHA's standards? Do you need enforcement officers or personnel?

Mr. MAISCH. You would also be talking authorities?

Mr. GAYDOS. Yes. Also, counsel has asked what have been the goals and attainments of GSA's occupational safety and health program for the last 3 years? That is self-serving but a synopsis would be most important to us.

For the last 2 years has GSA used outside consulting firms for occupational safety and health matters? We understand that you have. Give us some results of these reports and the response.

Mr. BAILEY. May I ask one question?

Mr. GAYDOS. Yes.

Mr. BAILEY. Given your feeling about penalties and enforcement, could you supply us information on the educational form that your program takes, how well integrated it is throughout your system?

Mr. GALUARDI. Yes.

Mr. GAYDOS. Are you talking about training programs, informational pamphlets?

Mr. BAILEY. Yes.

Mr. GALUARDI. Yes, we have that.

[The information referred to above follows:]

GENERAL SERVICES ADMINISTRATION

CONTRACT NO.
GS-00B-2219 (NEG)

INDUSTRIAL HYGIENE SURVEY OF SELECTED FSS NATIONAL STOCKPILE SITES

FINAL REPORT

JUNE 1979

GANNETT FLEMING CORDDRY AND CARPENTER, INC.
ENGINEERS AND PLANNERS
HARRISBURG PENNSYLVANIA

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JOHN J. YURICK
THOMAS R. BENYO
WILLIAM C. EHRESMAN
FREDERICK FUTCHKO
JAMES G. HANEY
GERALD P. VOEGLER
GERALD B. SPECK

June 29, 1979

Mr. Roy Ashley
Industrial Hygienist, PBAB
General Services Administration
18th and F Streets, N. W.
Washington, D. C. 20405

Dear Mr. Ashley:

Final Report
Industrial Hygiene Survey
Selected Stockpile Sites
Contract No. GS-00B-2219 (Neg.)

In accordance with the above referenced contract, Gannett Fleming Corddry and Carpenter, Inc., conducted an industrial hygiene/environmental survey at fifteen selected FSS National stockpile sites. We are pleased to submit this final report of findings, conclusions, and recommendations in fulfillment of this contract.

Very truly yours,

GANNETT FLEMING CORDDRY AND CARPENTER, INC.

A. F. Miorin, PE

A. F. MIORIN, P. E.
Partner-In-Charge

John E. Waters

JOHN E. WATERS, P. E.
Vice President

I. INTRODUCTION

In accordance with Contract Number GS-00B-2219 (Neg.), Gannett Fleming Corddry and Carpenter, Inc. (GFCC), was contracted by the General Services Administration (GSA) to conduct an industrial hygiene/environmental survey at fifteen selected FSS National stockpile sites. This report is submitted in fulfillment of that contract.

This survey resulted from concern by GSA for the effects which stockpiled strategic materials might have in the following two areas:

1. Impacts on the environment if these stockpiled materials should be affected by flooding conditions; and

2. Industrial hygiene effects on personnel exposed to these materials during a long-term storage basis.

To determine these effects, GFCC was contracted to visit the following 15 selected stockpile sites:

New Cumberland, Pennsylvania - R3
Warren, Ohio - 5
Large, Pennsylvania - 3
Point Pleasant, West Virginia 3
Alloy, West Virginia - 3
Charleston, South Carolina - 4
Gramercy, Louisiana 4
Point Comfort, Texas 7
Nye, Montana 8
Port Clinton (Erie), Ohio 5
New Haven (Casad), Indiana 5
Granite City, Illinois 5
Stockton, California 9
Hammond, Indiana 5
Curtis Bay, Maryland 3

Commodities identified by GSA personnel at these 15 sites were inspected for proper containerization, storage adequacy, and security. The survey findings were documented on standardized forms to simplify evaluations and present a uniform package. Results of these surveys and subsequent

evaluations by GFCC were prepared and are presented in four parts:

1. A site survey summary with specific recommendations;

2. A site identification sheet;

3. Commodity identification and air environment sheets, and

4. A water environment sheet.

Separate sheets were prepared for each of the commodities inspected. Abbreviations used on these sheets are explained in the Appendix following the site visitation forms.

Summary

On the basis of 1-in-100 year flooding events determined for the 15 sites inspected by this contract, flooding effects do not appear to be a significant concern. Proper site selection techniques appear to have been employed and in most cases have been successful.

The results of the survey also indicate that industrial hygiene concerns are minimal, for the current GSA stockpile program is well managed. Most personnel exposures to these materials have been minimized through packaging, storage, and handling techniques. In addition, the industrial hygiene program is ongoing and constantly being improved.

II. FLOODING EFFECTS

On the basis of our investigations, severe flooding (1-in-100 year floods) or torrential rainfall events would cause significant impacts at 3 of the 15 sites: Port Clinton (Erie), Ohio; Large, Pennsylvania; and Nye, Montana.

The Port Clinton (Erie), Ohio, site would experience water depths of 1 to 2½ feet at various locations on the site as a result of a 1-in-100 year flood of Lake Erie. No adverse environmental impacts would be anticipated by the flooding of the outside storage piles. However, materials stored in Building 552 could be damaged by high water conditions. A flood protection plan (sandbagging, wet vacuuming, etc.) should be developed to adequately protect this building.

The Large, Pennsylvania, site is secure from the 1-in-100 year flooding effects, but is subject to effects from heavy rainfall. The

existing surface water collection and conveyance system allows an acid mine drainage stream to pass between two storage piles. Erosion and loss from these piles is likely under severe rainfall effects. In addition, groundwater is extremely high on this site. Groundwater fluctuations will cause a flushing action to "leach out" soluble compounds from the stockpiled materials. The effects of this flushing action and the surface water conveyance system on the water quality of Peter's Creek should be determined and a water management plan developed to prevent water from contacting the storage piles.

While the Nye, Montana, site is secure from the effects of a 1-in-100 year flood, torrential rainfall will wash stockpiled material from the site into the nearby Stillwater River. Failure of the stabilization cover resulting from outloading activities has allowed windblown and eroded material to be deposited in a small stream adjacent to the site. Corrective action along the lines of the recommended plan in the site survey should be undertaken immediately to minimize material loss and solids accumulation in the streambed.

III. INDUSTRIAL HYGIENE EFFECTS

Of the fifteen sites visited, five have industrial hygiene problems of sufficient concern to merit remedial action: Warren, Ohio; Nye, Montana; Port Clinton (Erie), Ohio; New Haven (Casad), Indiana; and Curtis Bay, Maryland. Many of the concerns are applicable at more than one site; for example, access caution signs on building exteriors, DDT tagging requirements, and radiation testing.

Problem areas and recommendations for the Warren, Ohio, site are as follows:

1. Manganese dioxide is a powerful oxidizer. Access caution signs should be posted on the building exteriors.

2. Mica boxes have been sprayed with DDT to control pests. Caution tags should be placed on the stored material.

3. Vegetable tannin is a suspected carcinogen. Caution signs should be posted on all stored material.

4. Radiation levels for vanadium oxide are above the 0.50 mr/hr value for personnel exposure. Designated "restricted" areas should be roped, signed, or otherwise posted to alert personnel.

The Nye, Montana, site has an industrial hygiene problem of exposures to nuisance dust caused by blowing material. This problem has been caused by the removal of the permanent type protective cover and an inadequate replacement. Engineering controls in the form of nuisance dust masks and goggles will adequately protect personnel, but the blowing material is being deposited in an adjacent stream. The temporary sprayed cover does not appear to be as thick as required to prevent material loss.

Industrial hygiene concerns and recommendations for the Port Clinton (Erie), Ohio, site are as follows:

1. Access caution signs need to be posted on the building exterior for hazards associated with cadmium, cobalt, and tungsten carbide.

2. Caution signs should also be posted on the palletized asbestos material identifing a carcinogenic substance.

3. Vanadium oxide is stored at this site. It has been found to be radioactive at other locations. A radiation survey should be undertaken at the Erie Depot and appropriate action taken.

The following industrial hygiene concerns and recommendations are presented for the New Haven (Casad), Indiana, site.

1. Mercury is stored at this site, but no mercury vapor monitoring equipment is available to personnel. Mercury being a highly toxic substance, monitoring equipment should be secured.

2. A large fan has been used to control humidity in a warehouse containing asbestos. Airborne asbestos testing should be conducted to determine contaminant levels resulting from this air-moving activity and appropriate action taken.

3. Vegetable tannin has been placed on the suspected carcinogen list. In addition to the controls already being employed, employee exposure should be carefully monitored through entry log books. These books should be maintained in a secure location.

4. Zirconium, zirconium metal powder, and yttrium oxide should be checked for radiation levels and appropriate personnel protection action taken.

5. Caution entry signs should be placed on access doors of buildings containing cadmium requiring air-supplied respirators in case of fire.

6. Although no plans for iodine repacking are currently planned, air levels should be monitored constantly by on-site instrumentation if repacking should be undertaken.

Industrial hygiene concerns and recommendations for the Curtis Bay, Maryland, site are as follows:

1. Electrolytic manganese is currently stored outside. It could be a potential explosion source if exposed to water.

2. Thorium nitrate storage is extremely poor but should be corrected in the immediate future through a proposed overpacking and restorage program. "Leakers" and decontamination materials should be carefully handled. Disposal techniques should be in accordance with all applicable federal and state regulations.

IV. MISCELLANEOUS COMMENTS

The flammable, explosive nature of materials stored at the sites creates a potential hazardous situation. Since there appears to be an overall lack of adequate fire protection plans beyond the basic sprinkler systems at most sites, we are recommending the following:

1. Fire protection plans should be established at all of the stockpile sites. These plans should be critically reviewed yearly, and updated on the basis of new information or stockpiled materials movement.

   a. All sprinkler systems should be funtionally operative and adequate to control localized and general fires.

   b. Local fire companies should be aware of all commodities which could require special fire fighting procedures.

   c. Access caution signs should be posted on all building exterior walls that contain combustible materials which require self-contained breathing apparatus.

2. Building maintenance was generally good at the sites inspected by GFCC. However, one site had a leaking roof and another site had a building with severe problems of side wall corrosion. Building maintenance is a critical factor in protecting the stockpiled materials and should receive proper attention.

3. Most of the sites visited had little or no monitoring equipment at the site itself. Suspected problems with the stockpiled materials are generally handled by contacting the GSA industrial hygienist. The possibility of potential problems developing at each site should be evaluated and proper equipment and training should be made available to local personnel. It is encouraging to report this type of program is already underway. It is strongly recommended that the program be continued, and encouraged at the highest level of management.

The following pages include the site survey reports for all sites visited.

SUMMARY
SITE SURVEY
NEW CUMBERLAND, PENNSYLVANIA

Site Survey

A survey was conducted of the New Cumberland, Pennsylvania, stockpile site on December 5, 1978 by the contractor. The purpose of this survey was to investigate flooding potential of the site and industrial hygiene concerns.

The following site personnel also participated in this survey:

(1) GSA representative
Mr. John Murse
Mechanicsburg Defense Depot
717-790-2195

(2) Department of the Army
Ms. Kay Schaeffer
Health Clinic - Industrial Hygienist
717-782-7281

During the survey, all GSA stockpiled material locations were inspected and determined to be secure from flooding effects, up to and including a 1-in-100 year storm occurrence. The most severe impacts from extremely heavy rains would include possible erosion of the outside storage piles with runoff being conveyed through adjacent storm sewers and discharged to the nearby Susquehanna River. However, these piles have become stabilized due to long-term storage. Heavy growths of vegetation on most of the piles provide adequate protection from rainfall and wind effects, so that minimal impacts on the environment are expected. No incidents have been reported.

No industrial hygiene problems were found during the visit. The present storage requirements of the stockpiled materials appear to be adequate. Movement of the materials is currently limited to shipping requirements, so little material becomes airborne.

Mercuric oxide is to be repackaged at New Cumberland early in 1979 and shipped to the Curtis Bay, Maryland, installation. This hazardous material should not be moved without implementation of proper worker and environmental control procedures. Disposal of repackaging materials should be conducted in an environmentally safe manner.

Recommendations

Continue restricted access to inside storage areas. Notify the GSA Industrial Hygienist before repackaging or moving materials.

SUMMARY
SITE SURVEY
POINT COMFORT, TEXAS

Site Survey

A survey was conducted of the Point Comfort, Texas, stockpile site on March 14, 1979 by the contractor. The purpose of this survey was to investigate flooding potential of the site and industrial hygiene concerns.

The following personnel also participated in this survey:

Julian Moore - GSA Inspector
Tom Flores - Aluminum Co. of America

During the survey, the two piles of GSA stockpiled materials were inspected and determined to be secure from flooding effects, up to and including a 1-in-100 year storm occurrence. These piles have recently been reworked by regrading hte side slopes to remove reported excessive erosion. It is our understanding, that eroded material from as far as 30 feet from the base of the piles was moved back onto the piles. No vegetation has been reestablished on these piles due to the recent activity, but wind activity is causing no problems due to the moist condition of the material. The dike systems surrounding these piles, and diversion systems on the piles, will adequately control surface water runoff from the material. No incidents have been reported.

No industrial hygiene problems were found during the visit. The present storage requirements of the stockpiled materials appear to be adequate.

Recommendations

Continue the present program.

Sheet 1 of 4

GENERAL SERVICES ADMINISTRATION STOCKPILE SITE SURVEY

I. SITE IDENTIFICATION

1. Region: 6 Site Name: Aluminum Co. of America
Point Comfort, Texas

2. Location:

The Aluminum Co. of America plant site is located approximately one-half mile south of Point Comfort, Texas, on the east side of Lavaca Bay. The stockpile site can be reached by a single road from U. S. Route 59.

3. General area description:

The entire site is level ground situated on ocean mud and clay deposits. The GSA stockpile site is located on the southwest end of the plant site near the Calhoun County Navigation District unloading dock. Bauxite piles are encircled by drainage ditches and earthen dikes to contain any surface-water runoff. No outlets are provided for the drainage ditches; collected water in the ditches is removed by evaporation.

4. Susceptibility of site to major accidents and/or natural catastrophes:

The most severe catastrophe would be hurricane activity. In September 1961, Hurricane Carla caused the bay water level to increase by 20 feet. The GSA stockpiles were not affected. Runoff from the storm was contained within the earthen dikes.

5. Catastrophe plans:

Drainage ditches and earthen dikes contain the 2 stockpile sites.

Date of Survey: March 14, 1979 Observer: Richard E. Heizer

Sheet 2 of 4

GENERAL SERVICES ADMINISTRATION STOCKPILE SITE SURVEY

COMMODITY IDENTIFICATION

Commodity specification:
Bauxite Metal - Jamaica Grade

Environmental considerations of the commodity:
Airborne dust/can be inhaled/slight to moderate toxicity. Surface-borne dust/can be ingested/no toxic effects.

Type of cover or containment:
Bulk storage

Site location:
Open storage

Worker protection:
Hardhat, safety shoes, safety glasses, nuisance dust mask, gloves.

Emergency considerations:

None

ENVIRONMENT

Worker exposure and storage area considerations:

a. Applicable statutes OSHA - 15 mg/M^3 (total dust)(TWA); 5 mg/M^3 (respirable)

b. Existing controls Gloves, safety shoes, air filtered hats with face shields, nuisance dust respirators

c. Probable exposure Minimal, except during loading

d. Existing monitoring None

e. Test data None

f. Observations Both piles have been reworked in the last 2 months. Until vegetation has been reestablished, blowing dust may be present. Excellent regrading operation.

Community:

a. Nearest sensitive receptor Calhoun County Navigation District unloading dock

b. Applicable statutes None

c. Existing controls Volunteer vegetation and moisture from rainfall restrict blowing material. No impact on the community.

d. Probable exposure None

e. Existing monitoring None

f. Test data None

g. Observations The site is too isolated to have any impact on the community.

Survey: March 14, 1979 Observer: Richard E. Heizer

GENERAL SERVICES ADMINISTRATION STOCKPILE SITE SURVEY

COMMODITY IDENTIFICATION

1. Commodity specification:
   Bauxite Metal, Surinam Grade

2. Environmental considerations of the commodity:
   Airborne dust/can be inhaled/slight to moderate toxicity. Surface-borne dust/can be ingested/no toxic effects.

3. Type of cover or containment:
   Bulk storage

4. Site location:
   Open storage

5. Worker protection:
   Hardhat, safety shoes, safety glasses, nuisance dust mask, gloves.

6. Emergency considerations:
   None

AIR ENVIRONMENT

1. Worker exposure and storage area considerations:

   a. Applicable statutes: OSHA - 15 mg/M^3 (total dust)(TWA); 5 mg/M^3 (respirable)

   b. Existing controls: Gloves, safety shoes, air filtered hats with face shields, nuisance dust respirators

   c. Probable exposure: Minimal, except during loading

   d. Existing monitoring: None

   e. Test data: None

   f. Observations: Both piles have been reworked in the last 2 months. Until vegetation has been reestablished, blowing dust may be present. Excellent regrading operation.

2. Community:

   a. Nearest sensitive receptor: Calhoun County Navigation District unloading dock

   b. Applicable statutes: None

   c. Existing controls: Volunteer vegetation and moisture from rainfall restrict blowing material. No impact on the community.

   d. Probable exposure: None

   e. Existing monitoring: None

   f. Test data: None

   g. Observations: The site is too isolated to have any impact on the community.

Date of Survey: March 14, 1979 Observer: Richard E. Heizer

GENERAL SERVICES ADMINISTRATION STOCKPILE SITE SURVEY

.. WATER ENVIRONMENT

1. Surface water considerations:

a. Receiving stream N/A

b. Discharge point None

c. Tributary area N/A

d. Surface water wash Collected in ditch system

e. Flooding N/A

f. Flooding history No history of flooding. (see reverse side)

g. Existing controls Diversion facilities on the piles (see reverse side)

h. Spill control Hurricane erosion is the worst situation anticipated.

i. History No surface water has ever been released from the containment system.

j. Observations

(1) Flooding problems No problems are anticipated.
(2) Standing water - Standing water was observed (see reverse side)

k. General No problems are anticipated. Because of severe erosion in the past, the piles have recently been regraded to within approximately 30 feet of the drainage ditch.

2. Groundwater considerations:

a. Soil profile Soil and Water Conservation District (see reverse side)

b. Depth to groundwater Tidewater 25-30 feet deep

c. Groundwater movement Horizontal between clay seams

d. Existing well data Monitoring wells near plant mud lakes indicate no pollution.

e. Pollution incidents None reported

f. Leachate None reported

g. Observations Commercial fishing extensive - shrimp and sport fish abundant.

h. General
No groundwater contamination is likely.

t of Survey: March 14, 1979 Observer: Richard E. Heizer

1(f) Hurricane Carla (September 1961) did not cause any flooding of the GSA stockpi

1(g) collect surface runoff and separate solids by settling; surface runoff flows to diversion ditches; the ditches are contained within earthen dikes with no outlets. Surface water is removed from the ditches by evaporation.

1(j)(2) in the drainage ditch running along the Point Comfort and Northen Railroad tr just south of the Bauxite (Surinam Grade) pile. Ditch (swale) is about six f wide and one foot deep with vegetation within the swale. No red coloration o the water exists.

2(a) in Port Lavaca reports that the GSA site is mapped as Midland Clay Loam (hydrologic soil group D), described as a deep, nearly level, noncalcareous, loa soil on weakly dissected uplands. This soil formed under tall and mid grasse in clayey marine sediments. Surface layer to 9 inches of dark gray clay loa slightly acid. Subsoil to 53 inches, gray to light brownish-gray clay, moderately alkaline to strongly alkaline in lower 6 inches.

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NU CHEMCO, INC.

INDUSTRIAL HYGIENE, ENVIRONMENTAL, AND CHEMICAL SERV

January 29, 1979

Mr. Roy Ashley
General Services Administration
Office of Building Management - PBOC
18 th and F Streets, N.W.
Washington, D.C. 20405

Reference: Contract GS-00B-2218

Dear Mr. Ashley:

Enclosed with this letter is a draft copy of the materials developed for the handbook on Industrial Hygiene Aspects of Indoor Firing Ranges, as required by the schedule of deliverables of referenced contract.

The materials submitted are at present to be considered as a draft version and, as such, are still subject to revision and expansion. I would appreciate receiving your review comments so that the final version can be prepared.

Sincerely,

Neil B. Jurinski

Neil B. Jurinski, Ph.D.
President

Encl.

[DRAFT COPY]

Industrial Hygiene Aspects of Indoor Firing Ranges

CHAPTER 1. INTRODUCTION

1. Applicability. The procedures and guidelines prescribed herein are applicable to the Public Buildings Service in the design, construction and operation of indoor firing ranges within all Public Buildings. The procedures and guidelines are also applicable to firing range supervisors, employees and users.

2. General. This handbook prescribes hygenic practices, procedures, control methods, monitoring methods and health effects information pertinent to the operation and use of indoor firing ranges.

3. Objectives. The general objectives addressed by this document include:

a. Providing health hazard and effect information to workers and users of firing ranges.

b. Describe engineering, administrative and work practice controls needed to achieve a safe work environment within the range.

c. Recommend monitoring programs for target agents useful for documenting extent of control.

d. Define specific responsibilities for operators, supervisors, workers and users of indoor firing ranges.

4. Program implementation. It is necessary to implement immediately as many of these concepts as is practicable at each site operating an indoor firing range so as to provide maximum worker health protection.

a. Existing Facilities. This directive provides guidance for administrative and work practice control measures and also for monitoring programs which shall be implemented.

b. Renovated Facilities. This directive provides engineering control guidance which may perhaps be only partially achievable by a retro-fit within an existing structure. Consideration shall be given to all engineering controls contained herein and justification provided to the Commissioner, PBS, when any are found to be unobtainable.

c. New Facilities. All new indoor firing range facilities should incorporate design features to address all guidelines of this directive to include all control methods and monitoring requirements.

CHAPTER 2. HEALTH HAZARDS AND EFFECTS

1. General. The indoor firing range is a worksite in which numerous persons are potentially exposed to a variety of physical and chemical agents which may exert an adverse effect upon an individual's health and well-being unless certain safeguards are observed. The primary physical agent having adverse health effects is the noise of the discharge from firing, which can impair a worker's hearing. Also, chemical by-products produced by extended firing sessions can produce a sufficiently high level of chemical contaminants to cause a detrimental impact on the health of all pesons exposed to these substances. Among the materials present at potentially hazardous levels are lead fumes, carbon monoxide, nitrogen oxides and other by-products. A good working environment for persons in these areas can be ensured by installation and maintenance of appropriate engineering controls for the chemical agents and through use personal protective equipment for the times when normal engineering facilities are over-taxed.

2. Physical agents. The main health problem associated with physical hazards in the indoor firing ranges is not the projectiles fired, but rather the impact of noise impulses on the ear drums of persons inside the range. Impact noise originates from three sources - the discharge when firing a round, the noise of impact of a round on a target or trap, and the discharge and impact of rounds fired by other shooters. The impact noise of rounds striking a target is so diminished in intensity that it presents a negligible effect relative to that from the discharges.

a. The majority of hearing impairment effects may be attributed to the primary detonation sounds. Noise from adjacent shooters may be attenuated by use of structural sound baffling materials on the walls and ceiling so that the perceived sound level from these discharges is reduced. Noise from the rounds fired by the shooter, however, will be received at full intensity and produce a detrimental effect on the auditory nerves, hence hearing protectors, such as ear muffs, are needed.

b. The Occupational Safety and Health Administration (OSHA) has defined noise limits for worker exposure to different kinds of noise. Workers in a firing range will experience both impact noise and steady level noise and thus compliance with both limits is necessary.

(i) Steady Level Noise. This noise occurs at a more or less constant level and its intensity can be measured as an average sound level over a period of time.

(A) The noise level, or sound-pressure level, is measured in units of dB(A), the decibels of pressure measured over a frequency range with an A-frequency weighting. The A-frequency weighting scale

approximates the ear's response to low level sounds. Measurement of the steady level noise may be readily accomplished by use of a sound level meter.

(B) The noise dose limit for acceptable exposure levels has been defined by OSHA according to the duration of exposure time and the noise level. (See Figure 2-2) From the limits it can be seen that for each 5dB increase in noise level, the permissible exposure time is cut in half.

(ii) Impact Noise. The very short time noise produced by firing a round is a good example of impact noise. It differs from steady level noise in that all the sound energy is exerted over a very short time span, about one millisecond. The pressure wave from an impact strikes the ear with a high, positive pressure peak followed by a low, negative pressure valley. This causes the hearing system to experience a rapid vibration. This can, in turn, cause some of the fine hair cells of the inner ear to rupture with resulting diminished hearing capacity.

(A) The sound pressure level of an impact is also measured in decibels, dB. The measurement is more difficult to make due to the very short time span of the noise. The instrument used for measurement must have a very fast response and the ability to hold the peak value of the pressure wave.

(B) The OSHA noise limit for impact noise sets a maximum of 140 dB for peak level exposure. At the maximum level no more than 100 impacts a day may be experienced. At a level of 130 dB, the number of impacts for equivalent exposure would be 1000. For each 10 dB change in level, the number of impacts would change by a factor of ten, corresponding to the fact that the decibel scale is logarithmic.

c. Noise-induced hearing loss (NIHL) may occur from occupational exposure to excessive noise levels. Age-induced hearing loss also occurs in persons with a loss in sensitivity to higher frequencies. Age-induced losses are a natural process and must be taken into consideration whenever an individual is being measured for noise-induced hearing loss.

(i) A temporary threshold shift is the usual first stage of NIHL. This is noticed by a difference in hearing sensitivity of the individual compared to his "pre-exposure state." The effect is called temporary since the auditory fatigue will diminish and the individual's pre-exposure hearing acuity will return after being removed from the noise source for several hours.

(ii) Repeated exposure to excessive noise levels can cause a permanent threshold shift. This NIHL is the result of irreversible damage to the inner ear hair cells which transmit sound impulses to the

auditory nerves. This damage occurs to a greater extent from high frequency sound rather than low frequency sound.

d. The primary discharge noise of a gunshot produces an impact noise. The total sound level in a large firing range may be approximated at a steady or mixed level. Both of these exposures need to be evaluated by comparison to the separate standards described above. Evaluation of effectiveness of protective devices, such as ear muffs and ear plugs, is performed by the National Institute for Occupational Safety and Health (NIOSH). Pistol shots have peak levels above 140 dB necessitating use of NIOSH approved protective ear muffs, or other noise attenuators, by the persons exposed. Sound levels as high as 165 dB are common, having a maximum energy content in the 4-6 KHz frequency range, with a peak duration of from 30 to 200 microseconds. The normal hearing for an adult is approximately from 40 Hz to 10 KHz frequency range. NIHL is usually most severe at 6 KHz. Any effective hearing conservation program must ensure that hearing protective devices are used by all individuals who could be exposed in a firing range.

3. Production of chemical agents. The health problems associated with use of an indoor firing range come from the exposure of persons in the range to airborne materials resulting from the discharged rounds. Within the round are three separate sources of contamination - the projectile normally (lead), double base propellant (nitrocellulose and nitroglycerine) and the primer compound (lead styphnate and lead peroxide).

a. Projectiles in small arms rounds are normally molded lead. During discharge small amounts of this metal may become aerosolized in the shooter's breathing zone either by vaporization and condensation, or by fragmentation of small particles in passage through the weapon. These two sources produce a very fine particle size dust and fume of metallic lead and lead oxide. The size of particles so produced is small enough to be in the respirable size range.

b. Double base (i.e. smokeless) propellants are the most commonly used form, although some small percentage of single base (nitrocellulose) propellants are used. Virtually no black powder will be encountered in a normal situation. The commercial form of these propellants includes some small levels of functional additives such as tin, potassium sulfate, diphenylamine, dinitrotoluene, starch, potassium nitrate, barium nitrate, mercury fulminate and graphite. These additives may total as much as 5% of the propellant weight. In general, they will not be a sufficiently important source of contamination to cause need for special attention as monitoring. The primary components, nitrocellulose and nitroglycerine, produce as products of combustion, mixtures of carbon and nitrogen oxides including carbon monoxide (CO), carbon dioxide (CO_2), nitric oxide (NO) and nitrogen dioxide (NO_2).

c. Primer compounds are predominantly organic compounds of heavy metals such as lead azide, lead styphnate and mercury fulminate. These materials are relatively unstable, and can be spontaneously decomposed through initiation by spark, compression or friction. Upon initiation, these compounds produce an explosive reaction liberating heat and decomposition products. The majority of the mass of these substances is comprised of heavy metals, in an aerosol, breathable form after discharge of the round. For lead, this represents the second major way that respirable lead may be produced in a firing range.

4. Health effects of chemical agents. Each of the chemical agents mentioned above may be encountered in the indoor firing range by occupants. Since these materials are combustion by-products of discharged rounds, the higher the level of range use and the lower the level of ventilation, the higher the contaminant concentration that can build-up. Adverse health effects occur with higher impact as the duration of exposure and the exposure concentrations are increased.

a. Lead (Pb) contamination may be present in an indoor firing range as the pure metal (dust or fume), an inorganic compound (such as an oxide or sulfate) or an organic compound (such as lead styphnate). The federal (OSHA) standard for occupational exposure to Pb has been established (as of 24 February 1979) at 50 micrograms per cubic meter of air for an airborne 8-hour time weighted average (TWA) concentration. This level has been deemed an acceptable exposure level for preventing occupational illness.

(i) The primary route of exposure for workers is through inhalation of dust or fume, although ingestion of dust is a secondary exposure route that can not be ignored. Ingestion may occur via use of Pb-contaminated smoking materials, food items, chewing gum and cosmetics. Personal hygiene practices may prevent, or at least minimize, this route of exposure. Inhalation exposure via normal respiration may occur to unprotected individuals whenever Pb is present in the surrounding air.

(A) Systemic effects of lead poisoning are difficult to detect in the early stages. The early symptoms of lead poisoning are decreased physical fitness, fatigue, sleeplessness, headache, aching bones and muscles, constipation, abdominal pains and loss of appetite. If diaganosed and treated at this stage, all of these effects are reversible.

(B) More severe exposures produce the onset of high level exposure symptoms. These include anemia, pallor, decrease of "hand grip strength," and a "lead line" on the gums. More severe symptoms produced by lead colic are periodic abdominal cramping, severe constipation and (occasionally) nausea and vomitting. The radial nerve is affected after

prolonged exposure, resulting in "wrist drop." The neural damage may be partially reversed in some cases, but may proceed to eventual convulsions, coma, delerium and death.

(C) OSHA has found that exposure to lead results in decreased libido, impotence, and sterility in men and decreased fertility and abnormal menstruation and ovarian cycles in women. There is conclusive evidence of miscarriage and stillbirth in women who were exposed to lead or whose husbands were exposed. Children whose parents were exposed to lead were found more likely to have birth defects, mental retardation, behavioral disorders or to die during the first year of life.

(ii) Due to the very insidious onset symptoms of lead poisoning and the severity of effects of chronic lead exposure it is essential that the primary means of worker protection be achieved through engineering controls.

b. Carbon Monoxide. This chemical (CO) is a poisonous, odorless gas. It will not be removed from the air by common particle filters used in ventilation systems. The best method of reducing the concentration of carbon monoxide in an enclosed space, such as an indoor firing range, is by flushing with fresh air or through use of a "100% fresh air" system. A thorough discussion of ventilation concepts is presented below in Chapter 3.

(i) The present OSHA standard for CO exposure stipulates a maximum concentration of 50 ppm for an 8-hour time weighted average (TWA). The National Institute for Occupational Safety and Health (NIOSH) has recommended a 35 ppm TWA exposure standard with a ceiling limit of 200 ppm for any short term exposure.

(ii) Carbon monoxide (CO) when inhaled can induce asphyxiation by combining with the hemoglobin in the blood to form carhoxyhemoglobin. CO is much more readily complexed by hemoglobin than is oxygen (O_2). This means that oxygen transport does not occur to the normal extent when any significant CO levels are inhaled, CO is taken up more rapidly, and retained longer, than is O_2 when in contact with hemoglobin in the respiratory organs.

(iii) Typical symptoms of CO poisoning are headache, dizziness, drowsiness, red face, nausea, vomiting, collapse, coma and death. Many reported cases indicate that the exposed individual has no prior symptoms except drowsiness prior to collapse. Since the gas is colorless, odorless and tasteless there are no human sensory warnings to indicate excessive CO levels are present.

c. Carbon Dioxide. This chemical (CO_2) is a colorless, odorless gas that is not removed by normal filters in a ventilation system.

Compared to CO, CO_2 is much less toxic. The air we breath contains approximately 1/2% of CO_2 as a natural source.

(i) In the firing range area it is unlikely that CO_2 concentrations would read harmful levels prior to CO reaching a harmful level.

(ii) The symptoms of over-exposure to CO_2 are not easily distinguished from lack of oxygen since CO_2 is primarily a simple asphyxiant. Concentrations in excess of 10% can produce unconciousness and death due to oxygen deprivation. Early symptoms of over exposure will produce shortness of breath and headache. High levels of CO_2 in the blood will stimulate a yawning reflex. A person so affected should be moved to a fresh air location. The effects of excessive exposure are reversible in regard to the physiological effects.

d. Nitrogen Oxides. Nitric oxide (NO) and nitrogen dioxide (NO_2) are two gaseous combustion products which form when nitro-compounds, such as nitrocellulose and nitroglycerin, are exploded. These two gases are chemically related and may be converted from one to the other by a simple oxidation or reduction process. The typical exposure for workers is to a mixture of nitrogen oxides or "nitrous fumes."

(i) The OSHA exposure standard for NO is 25 ppm and for NO_2 it is 5 ppm. The National Institute for Occupational Safety and Health (NIOSH) has recommended a 1 ppm standard for NO_2.

(ii) Nitrogen oxides produce irritation of the eyes and mucous membranes. High concentrations may cause severe pulmonary irritation, probably due to NO_2 exposure. Methemoglobinemia has also been reported and is presumed due to NO exposure, analogous to CO exposure. Acute exposure may produce malaise, cyanosis, cough, dyspnea, chills, fever, headache, nausea and vomiting. High concentration exposure may cause collapse and death. An insidious consequence of low concentration exposure is mild bronchia irritation followed by a 5-12 hour symptom free period, and subsequently an attack of acute pulmonary edema. Chronic over exposures may produce a change in pulmonary function evidenced by decrease in breathing capacity and pulmonary function.

e. Other Minor Contaminants. A number of potential contaminants may also be present as by-products of combustion or as unreacted materials.

(i) Organo-metallic compounds. Incorporated in the propellant formulations used in small arms ammunition are minor components of lead styphnate or mercury fulminate. There is no current evidence that these organo-metallics, or structurally related combustion products, are actually present, however the toxicity of these materials is sufficiently high to warrant attention to known symptoms. The central nervous system in the primary target of attack by both lead alkyls and mercury alkyls.

Tremors of the hand, loss of fine control of arms and legs, and slurred speech may occur in cases of chronic exposures.

(ii) Nitroglycerin and Ethylene Glycol Dinitrate. These two compounds are normally encountered as a mixture. In a double base propellant, nitroglycerin (NG) is used as one of the major explosive constituents (10-40%) along with nitrocellulose.

(A) Ethylene Glycol Dinitrate (EGDN) is also an explosive similar to NG and is frequently added to NG to lower the freezing point and reduce temperature induced instability. The EGDN component is much more volatile than NG and thus EGDN may actually be the more important material to consider in estimating exposures to airborne volatile contaminants. Concentrations may build to significant levels in non-ventilated ammunition storage areas.

(B) The primary symptoms noticed upon over-exposure to NG and/or EGDN is a severe throbbing headache. These compounds act as vaso-dilators and upon chronic exposure can affect the circulatory system of the heart, with accompanying anginal pains following cessation of exposure to the material.

(iii) Cyanides. Compounds included in propellant formulations have a potential for the formation of cyanide ions during the high temperature and pressure phase of the explosive reaction. Formation of cyanide salts and hydrogen cyanide gas are potential products.

(A) Hydrogen cyanide is an asphyxiant gas. It is capable of producing a mild irritation of the upper respiratory tract, principally in the nose and throat. It is extremely unlikely that gaseous concentrations could occur which could produce more severe effects.

(B) Reserved.

5. Characteristic contaminants . In the daily operation of an indoor firing range it is not feasible to attempt a control and monitoring program for each of the actual and the potential contaminants present. Rather a more practical approach is to select characteristic contaminants, representative of all the types of contaminants expected, and devise a control program for these selected species that insures safety from all contaminants.

a. Particle Contaminants. The particulate contaminant most representative of the firing range atmosphere is lead dust and fume. This material is expected to be the major component of all particulates present. Collection of lead dust and fume may be accomplished by mechanical filtration and is discussed in detail in Chapter 3.

(i) The particle size range of the particulates produced by small arms firing is so small that much of the material may be inhaled. Particles with a 10 micrometer diameter or smaller are in the "respirable size range" and can be deposited at various points in the respiratory tract. Following deposition in the body, the material can produce its toxic effects.

(ii) All particulates, whether lead or some other substance, are deposited by the same mechanisms. Thus by giving attention to lead inhalation problems and control of lead exposure, it is reasonable to assume the control program will work for all particulate airborne contaminants. Studies have shown that relative to allowable exposure limits, lead in the only contaminant that requires control.

b. Gaseous Contaminants. The gaseous contaminant most representative of the firing range atmosphere is carbon monoxide.

(i) Any control measures designed to handle gaseous components can be evaluated for effectiveness by evaluating the CO control efficiency. Carbon filters, which are effective for certain organic gases, are not effective for CO due to poor adsorption characteristics. The most effective means of reducing airborne CO levels is via fresh air replacement. The control processes are discussed below in Chapter 3.

(ii) Other gaseous contaminants produced in the indoor firing range will be controlled to the same level of effectiveness as CO by use of an air exchange process. All dilution processes will affect all gaseous materials in the same manner, and thus a control and monitoring program for CO will be descriptive of the control levels of all gaseous contaminants.

6. Exposure levels. The workers in an indoor firing range are normally not permanently assigned to the site, but spend only a portion of their work-week in the range. Thus, normal exposure standards, which are established for the standard 40-hour week, may not be readily used for a decision point in determining over-exposure.

OSHA standards stipulate an 8-hour Time-Weighted-Average (TWA-8) for many contaminants. It is implied that a worker may be exposed to the TWA-8 for a 40-hour week without suffering any irreversible adverse health effects. The OSHA noise standards explicitly address the problem of dose and exposure time to consider less than an 8-hour exposure. The standards for air contaminants, however, are not so detailed and provide only a single level (except in certain cases where ceiling levels are defined) for use in evaluating over-exposure.

The primary evaluation of exposure levels must consider all exposed persons. The various groups include shooters, range officers and

maintenance/ janitorial workers. Exposures for each group will vary in duration and type of contaminant.

a. OSHA Lead Standard. A revised OSHA lead standard has been issued with an effective date of 24 February 1979.

(i) The federal exposure standard for airborne lead exposure, as defined by the Occupational Safety and Health Agency, states that no employee shall be exposed at concentrations greater than 50 micrograms of lead per cubic meter of air (50 ug/m^3), averaged over an 8-hour period. Monitoring techniques are suggested in Appendix A.

(ii) An action level of 30 ug/m^3 has been defined to trigger the need for increased monitoring and protective controls of employees exposed over the "action level." These actions include a medical surveillance program whose contents and frequency are defined in 29 CFR 1910.1025 and Appendix B.

(iii) Biological monitoring for levels of blood lead and zinc protoporphyrin levels of each employee are to be conducted every six months except when blood lead exceeds 40 ug Pb/100 g of whole blood, at which point it shall be monitored every two months. Normal levels are approximately 30 mg/100 g.

(iv) Over-exposed employees shall be removed from exposure for a sufficient time to allow the body's natural Pb-elimination processes to reduce the blood lead level below 40 ug Pb/100 g whole blood.

(v) For the indoor firing range the above aspects of the OSHA lead standard require the performance of certain monitoring programs. These requirements are addressed below in Chapter 4.

b. OSHA Carbon Monoxide Standard. The permissible exposure level for an employee exposed to carbon monoxide is 55 milligrams CO per cubic meter of air (55 mg/m^3) or 50 parts per million. This level is based upon recommendations of a consensus standard drawn up by the American Conference of Governmental Industrial Hygienists (ACGIH). NIOSH has more recently recommended a level of 40 mg/m^3 (35 ppm) as more adequate to prevent detrimental health effects.

c. Actual Exposure Levels. It is difficult to separate the occupational lead exposure received in a firing range from the exposure received from other environmental sources. The measurement of blood lead reflects all sources of exposure that have been encountered. Measurement of an area sample at the firing line does not take into account the movement of the worker in the area. Measurement of a worker's breathing zone levels can measure only one or two periods and may not represent

conditions when more shooters are present, or when the range usage prior to sampling has been more intensive.

(i) A report of a study conducted by NIOSH (Anania and Seta, December 1975) contains results of sampling and analysis of personal (i.e. breathing zone) samples and of area samples. The personal samples ranged from 0.01 to 34.50 mg/m^3 while area samples ranged from 0.01 to 13.17 mg/m^3. Averages of collected personal samples for the measured firing ranges varied from 0.10 to 8.85 mg/m^3 with an overall average of 3.8 mg/m^3. For area samples in the same locations the variations was from 0.07 to 4.20 mg/m^3 with an overall average of 1.31 mg/m^3. From this study it would appear the breathing zone air is approximately three times higher in Pb concentration than a typical area at the side of the shooter's station, i.e. the closer to the weapon the higher the toxicant levels.

(ii) Using the NIOSH average breathing zone concentration, it can be assumed a typical existing range has Pb levels near 3800 ug/m^3. The OSHA standard, 50 ug/m^3 for an 8-hour exposure, can be considered to permit a daily dose of 400 ug/day. At the expected level of Pb contamination, the OSHA daily permitted exposure level would be experienced by a worker in approximately 50 minutes, after which that worker would have to leave the area. In considering the OSHA action level, the point at which medical and biological monitoring is initiated, this exposure limit would occur after only 30 minutes of exposure in the "typical range." Thus in most existing indoor firing ranges it is encumbent upon the operators to take action to upgrade the ventilation rate so as to avoid over-exposure of workers, shooters and range officers.

CHAPTER 3. CONTROL METHODS

1. BACKGROUND. Ventilation design criteria for indoor ranges have been available for many years. Unfortunately, in-depth range evaluations have only begun in the past 2-3 years. Data currently available is sketchy - mainly in terms of contaminant levels found in existing functioning ranges (variable ventilation and configuration) or from empirical ventilation formulas. The U.S. Army Corps of Engineers recently completed (Dec. 78) a very promising range model study that could be the basis for sound engineering design information. Prototypes of the model are expected to be built during 1980 and hopefully these systems will be thoroughly evaluated from both engineering and health aspects. Design information currently available thus represents the state-of-the-art and is not based upon extensive, validated criteria.

2. General. Mechanical ventilation is required in indoor firing ranges for two primary reasons; health and visibility. As discussed earlier, the effluent products of weapons firing can be health hazards if not kept within certain atmospheric concentration limits. These contaminants should be captured and removed by ventilation. In addition, continued firing in the absence of mechanical ventilation can produce atmospheric conditions resulting in the inability to effectively see the target. Mechanical ventilation is therefore required for indoor weapons firing ranges. Although visibility is certainly necessary, this section will address the health aspects of ventilation as the controlling factor.

3. Approaches to ventilation. Ventilation at its optimum removes unwanted contaminants at the source of evolution -- local ventilation (LV) -- thus preventing entry to the individual's breathing zone (BZ). In the case of indoor ranges, this means ventilation at the weapon and at the backstop. Local ventilation, in addition to being effective as a contaminant remover, also generally requires considerably less process air thus lessening energy costs. Natural ventilation is considered ineffective for indoor firing range control and will not be considered as an option. The contaminant process or system may not always lend itself to local ventilation and a compromise may be necessary, i.e. exclusively dilution ventilation or in combination with local ventilation. Dilution ventilation (DV) is a form of mechanical ventilation. In terms of indoor firing ranges, dilution ventilation would normally be a general mass of air moving from behind the firing line toward the backstop where it is exhausted. Dilution ventilation is the most common form of ventilation used in existing indoor ranges. The design for a dilution ventilation system is generally less complicated than for a local ventilation system, however the quantity of air to be moved is considerably larger. The amount of air processed or moved is significant when considering the size of air movers or fans and the energy necessary to heat/cool the air.

a. In the past, little consideration was given to the cost of tempering air. The general philosophy healthwise was to prohibit the recirculation of air. Also little attention was paid to energy recovery. Today's high energy costs favor systems offering energy conservation. Options include thermal transfer units infrared heating devices, and in some cases air recirculation systems.

b. The approach of this handbook involves the use of dilution ventilation and a combination of local ventilation and dilution ventilation. The proposed system will provide adequate protection in most instances. Extreme high density short-term use of an indoor range may necessitate a follow-on period of reduced activity.

4. Range design criteria and considerations. Several types of criteria are to be considered in the engineering design phase of construction or renovation of an indoor firing range.

a. NIOSH Criteria. As a minimum, ventilation criteria should be consistent with the design parameters presented in "Lead Exposure and Design Considerations for Indoor Firing Ranges," HEW Publication No. (NIOSH) 76-130. Recommended design considerations so listed are:

(i) An optimum air supply would be 75 fpm at the firing line. The minimum air supply must be 50 fpm at the firing line.

(ii) Filtered and conditioned air must be introduced behind the firing line to guarantee an evenly distributed flow of air through the shooting positions.

(iii) Supplied air inlets should be placed approximately 15 feet behind the shooter's position.

(iv) The entire range facility should be maintained at a slightly negative pressure with respect to adjacent areas to prevent the escape of contaminants. This criteria suggests that exhaust air should exceed supplied air by 10%.

(v) For maximum efficiency exhaust ducts should be located behind and at the apex of the bullet trap. An alternative location is to place the exhaust ducts on the side walls slightly in front of the apex of the bullet trap.

(vi) A minimum down range conveying velocity of 35 fpm must be maintained.

(vii) When the 75 fpm rate is used a minimum of 25% of the air should be exhausted 15-20 feet down range of shooting position and remaining 75% at the bullet trap.

(viii) When the 50 fpm rate is used, 100% of the air should be exhausted down range at the bullet trap.

(ix) Each range should have its own ventilation system to prevent the circulation of contaminated air to other areas of the building.

(x) The supply and exhaust systems must be electrically interlocked, thereby eliminating an error in turning one system on and not the other. The system should operate on one fan speed only and not on variable speed fans.

(xi) Each range should be equipped with a floor drain and trap to facilitate cleaning by wet methods. The drain location should be approximately 20 feet down range of the firing line. The floor should slope 2-3 inches toward the drain.

(xii) To minimize the effect of peak sound pressure levels on individuals in the indoor range all reflecting walls should be covered with high efficiency sound absorbing material such as fiberglass insulation covered with perforated aluminum or steel sheets with openings equivalent to 10-15% of the area to permit sound absorption. The coverings should be designed to permit easy access to the acoustical material for periodic replacement. The floors directly behind the shooting booths should be covered with acoustical flooring (carpet that has good acoustical absorption characteristics).

(xiii) Range officer quarters should be acoustically treated to reduce noise levels.

(xiv) The bullet trap should never be anchored or attached to any structural support for the building. The energy of the bullet striking the trap can be transmitted as noise and vibration throughout the building.

(xv) The walls and surroundings could be painted in soft, contrasting pastel colors to reduce the dungeon-like effect.

(xvi) The range should be equipped with range officers quarters, areas for cleaning of weapons and storing materials, and with toilet and washing facilities.

(xvii) All air being exhausted from the range should be filtered using a High Efficiency Particulate Air (HEPA) Filter or equivalent.

b. Performance Criteria. It may be difficult to comply with the NIOSH design recommendations when up-grading existing facilities. For example physical constraints may not allow a 15 foot distance between the

uprange wall and the shooting or firing line. This distance allows the formation of a uniform mass flow of air through the firing line, i.e. the supply air provided through inlet registers has sufficient distance for uniform distribution across the width of the range. If 15 feet is not available, uniform distribution can still be accomplished by providing a plenum across the width of the range and allowing supply air to enter at numerous points (arranged vertically and horizontally). An example would be slotted louvers or a perforated or multi-holed false wall across the range through which supply air would pass in a uniform manner relative to the firing line. Adequate distribution of air is of equal importance to the transport velocity of a ventilation system. Uniform distribution minimizes eddy currents in areas of turbulence where air contaminants can move in directions other than downrange.

c. Contaminated Flow Pattern. An improvement over the minimum ventilation criteria presented above incorporates local ventilation with dilution ventilation. Here contaminant control is provided with less total air. This is accomplished by providing a minimum overall dilution airflow rate and adding spot or local ventilation at the shooter's positions. The addition of spot ventilation is small compared with the large reduction in dilution air. The addition of spot ventilation greatly increases the effectiveness of contaminant control by reducing the shooter's exposure to side (and back) blast resulting from weapon discharge. Discharge contaminants do not entirely exit the weapon through the barrel in a downrange direction. Significant contamination leaves perpendicular to the length of the weapon and some is actually directed backward toward the shooter. The velocity of these contaminants is much greater than the velocity of normal dilution air therefore there is little control. In addition, dilution ventilation can cause eddy currents around shooters creating turbulence and decreasing the effectiveness of the ventilation. Spot ventilation, low volume flow/high velocity, prevents or greatly decreases the movement of side blast contamination entering the shooter's breathing zone. The contaminants are abruptly directed downrange to be caught-up in the general airflow pattern produced by the dilution ventilation system. Spot ventilation systems are new and although scientifically sound, they have not been effectively evaluated in terms of actual range experience. Flow rate guidance can be given although actual configuration and total validation information is not currently available. Spot ventilation should be seen in systems of the future. They employ the basic control principle of contaminant removal at the source. Basic criteria suggested as a starting point are:

(i) Spot Ventilation. Locate a perforated panel (preferred) or a vertical louver at the front edge of each firing booth partition. Air outlets should be placed even with or slightly downrange from the shooter's body such that the ventilation air is directed at the weapon (when in the firing position) in a downrange direction. Air from the two

sides of a booth should converge at a point or area approximately 1 foot in front of the shooter. Ventilation outlets should extend vertically at least 4 feet and positioned to a top elevation of approximately 5-6 feet above the floor. The air supply duct serving a booth partition should provide air to each side of adjacent booths. Booth supply air should be at least 300 cfm/partition (150 cfm for each side of adjacent booths).

(ii) Dilution Ventilation. Dilution ventilation should provide a velocity of at least 35 fpm downrange from the uprange wall to the firing booths. The velocity will increase somewhat at the firing booths as dilution air mixes with spot ventilation air. If a perforated plenum is not used to provide uniform airflow across the supply wall, louvers or other outlets should be carefully designed to prevent turbulence and backflow in the area of firing booths.

(iii) Location. Another important design point to consider is the location of return or exhaust inlets. NIOSH recommends that a minimum of 25% of the ventilation air can be exhausted 15 to 20 feet downrange of the firing line when using a firing line control velocity of 75 fpm. It is important that exhaust inlets be located far enough from supply outlets to prevent short circuiting, i.e. a flow of air passing directly from the supply to the exhaust vent without benefiting the shooter. The NIOSH values of 15 to 20 feet should therefore be considered as minimum values -- 15 feet should be the minimum downrange distance of exhaust inlets.

(iv) Performance criteria. Where feasible, all ventilation plans/specifications should be in terms of performance criteria. This approach can be more expensive as it forces the design engineers to carefully select and install equipment to meet established criteria. An alternative includes detailed in-house prepared design specifications. Historically, many ventilation systems have been built that were not effective because solid design engineering was not provided at the outset. Systems have been provided that do not meet velocity or mass flow requirements because the resistance to air movement or pressure drop had not been realistically estimated. Fans provided are therefore undersized. For example, the resistance to airflow would be expected to be much greater using the described perforated plenum as compared with conventional louvered supply air outlets. Unless this added resistance is addressed the fan/motor assembly will be inadequately sized and the desired air velocity through the firing line will not be met. Correct engineering design at the outset is a must as reconstructing a new system is expensive and a waste of time and money.

d. Energy Reduction.

(i) Recirculation of contaminated range air is currently feasible for most situations. High efficiency filters are available to

remove the particulate matter. Concentration and flow detection devices are also available. The gaseous material, which is present in relatively smaller amounts healthwise than particulate matter, can be controlled by physical/chemical removal and/or dilution with fresh air. Detectors are also available that can cause a mechanical shift from recirculation to total or increased fresh air depending on the contaminant concentration. Recirculation systems are costly, possibly to the extent of being prohibitive, especially when refitting an existing range. Generally these systems should be used when other options are not feasible such as when a range is located in the basement of a multistory building. Once built, recirculation systems require less energy for heating and cooling. They do however require more maintenance and attention to ensure that a system malfunction does not allow the rentry of contaminated air to the breathing zone of shooters. If circumstances warrant the use of recirculation, consultation services should be obtained for the selection of an effective system. Significant parameters to be identified include the total volume flow rate and contaminant concentration of air to be recirculated.

(ii) A less expensive, effective, and safe system for the conservation of energy involves the recirculation of thermal energy contained in contaminated exhaust range air. Although the dirty air is exhausted to the outdoors, thermal recovery units transfer energy for tempering. Thermal transfer or heat exchange units are commercially available through a number of different manufacturers. These systems allow the transfer of energy without the transfer of contamination and they can be used to supplement either a cooling or heating mode.

(A) One particularly interesting heat exchange system (Kathabar Enthalpy Exchanger, Midland-Ross Corporation) combines humidity control with a heat exchange system through use of a liquid exchange medium. This system circulates an aqueous salt spray between inlet and exhaust air ducts. The system conserves energy and controls humidity to prevent corrosion problems which may be common in ranges located in damp facilities. Use of untempered air (as suggested above) may aggreviate the humidity control and corrosion problems and thus these systems may be very useful.

These units are reportedly economical for total airflows in excess of 10,000 CFM and should be considered during design of new or renovated facilities. The scrubbing action of the aqueous sprays has been utilized for contaminant control in hospitals and laboratories, but as yet has not been applied to contamination at a firing range.

These units come in a variety of sizes and configurations. A heating/cooling consultant familiar with thermal transfer units should contacted for proper selection. Thermal transfer units have been used successfully in many situations where high volume flow rates of tempered

air are involved. Compared with air recirculation, thermal exchangers require much less maintenance, monitoring, risk, and cost. These units are recommended where there is a requirement for tempering air.

(iii) The use of spot infrared heaters to warm shooters is another very effective method to conserve energy. With infrared heat, tempering of dilution air would be minimal or not necessary. Tests have been conducted using infrared heaters in ambient air as low as 15°F without discomfort. Even heating air to 40-50°F instead of 68°F would provide a cost savings. Spot infrared heaters located above each booth, i.e. two 16,000 Btu heaters/booth, each operated independently, would provide flexibility such that booths not in use would not be heated. Infrared heaters should be sized with care to prevent overheating of shooters. Little or no tempering would be required for spot ventilation if a system as described in section 3c were used. Sub-zero ambient air may require some tempering to prevent chilling of shooter's hands.

e. Work Practice. There are many methods, in addition to ventilation, that prevent or reduce unnecessary and unhealthful personnel exposures to range air contaminants. Most require a conscious effort on the part of all range personnel, however the result is a safer environment. Work practice and range operation methods/techniques conducive to healthful range operation include:

(i) Maintenance. Unkept ranges accumulate lead dust and other contamination resulting from weapon firing. This dust if not removed will continue to be agitated and made airborne through the movement of people and air currents resulting from the ventilation system. This airborne dust can be inhaled by range personnel. Range should therefore be kept clean to include wall and floor surfaces. Cleaning should be accomplished by vacuuming or wet methods. Dry sweeping even with dust suppressants should be prohibited. Personnel conducting cleaning should wear respirators approved by NIOSH for lead exposures, and be included in a complete respirator program.

(A) Cleaning bullet traps should be accomplished with care and approved respiratory equipment should be used. Efforts should be made to minimize dusting either by vacuuming prior to removing the large particulate matter or by use of wet methods. To avoid unnecessary contact with lead particulate matter cleaning personnel should wear protective gloves -- cotton or other type of cloth is acceptable. Smoking should be prohibited during cleaning operations as well as during shooting.

(B) Industrial vacuum cleaners employed for range cleaning should be equipped with High Efficiency Particulate Air (HEPA) filters, rated for control of respirable dusts. Long hoses should be employed so

that the unit exhaust remains in a clean area during use and can not resuspend lead particles during cleaning. Collection bag changing must be regarded as a hazardous operation and the collected waste disposed of as a toxic solid waste (Pb).

(ii) Weapons Maintenance. Lead exposures can be reduced by shooting with clean weapons. Accumulated lead can become airborne during shooting thereby increasing the lead exposure to range personnel. Maintaining a clean weapon reduces this type of exposure. Specific areas of lead accumulation include the barrels of weapons and the cylinders of revolvers. In addition atmospheric lead can be generated because of revolver cylinder and barrel misallignment. The bullet is literally shaved as it passes from the cylinder to the barrel.

(iii) Semi-Jacketed Bullets. The use of semi-jacketed bullets instead of lead bullets has been shown to reduce lead exposures by as much as 90%. Semi-jacketed bullets are more expensive than conventional lead target bullets but their use should be considered as a method of reducing personnel exposures to lead. It is more realistic to use semi-jacketed bullets as this is the round most commonly used outside of the range. Nylon-jacketed bullets are currently available in .38 special and .357 magnum sizes with other sizes to be available in the near future.

(iv) Equipment Maintenance. The maintenance of control equipment is of vital importance. A multi-thousand dollar ventilation system is effective only when it is in operation, and its efficiency is maximized only when proper preventive maintenance is provided. A regular schedule should be established for preventive maintenance activities. Items of interest include: checks for ductwork leaks-integrity, lubrication of motors, tightness and integrity of belts, contaminant build-up on filters, cleanliness and serviceability of respiratory protective equipment. Scheduled maintenance should be monitored by the individual responsibile for the range. Maintenance personnel should be appraised of the importance of maintaining an effective and efficient system.

(v) Use of Protective Equipment. Protective equipment is only useful when it is used properly and has a satisfactory fit. Respiratory protective equipment is of no value in reducing personnel exposures if it is not used. Rules of any range should emphasize the use of proper protective equipment. Failure to do so should result in removal from the range or a reprimand. Ear protection will be worn by shooters, coaches, and anyone else located such that the impact or impulse noise levels exceed 140dB peak or the steady state noise level exceeds 90dB(A). Respirators and protective clothing shall be worn by personnel cleaning ranges to include cleaning bullet traps. Vacuums or wet methods will be used to clean ranges.

(vi) Food Consumption. Food will not be consumed in shooting area of ranges. This includes the consumption of liquids. If food is to be consumed, hand washing facilities will be provided and a separate area - away from and separated physically from the shooting area - will be designated and so posted. Lead is toxic by ingestion, and hand or object to mouth action must be prevented when the potential for lead exposure exists. Policy addressing food consumption should be included in the range rules.

(vii) Personnel Rotation. A method for reducing personnel exposures involves lessening the exposures of individuals through job rotation. This method is not as effective as engineering controls because it depends on the management of people, not things. If feasible, this method should be used in conjunction with other more reliable methods. The individuals of primary concern are the range officers and coaches. The potential harmful exposures to these people would be expected to be greater than those for transient shooters. Usually shooters appear sporadically, or on some schedule, while range personnel remain at the range for extended periods. If feasible, these range personnel should be rotated with other qualified staff members as a means of eliminating excessive exposures. Although more people would be exposed to some contaminants.by this method, fewer will be excessively exposed.

f. Illumination. Light intensity levels for a firing range are not controlled by any specific standard. Training needs may also require a variable light level in the target area to enable simulation of low-light situations in the range. The American National Standard Practice for Industrial Lighting provides guides for light intensity based upon operational tasks. For simple tasks, such as general maintenance work, a minimum of 30 foot candles on a task is recommended. Glare free finishes will greatly reduce reflected glare and associated eye fatigue. Flat paint rather than hard enamel should be used wherever possible. Textured floors and walls will also help diffuse glare, as well as to attenuate noise.

CHAPTER 4. MONITORING

1. Atmospheric contaminant monitoring. At indoor ranges air contaminants should be conducted during normal range operations to determine employee and user exposure to lead. All monitoring and sampling should be conducted by an industrial hygienist or someone specifically trained in this type of evaluation. Contaminant levels are considered by OSHA to be above the Permissible Exposure Level (PEL), below the Action Level (AL), or between the AL and PEL. The AL represents an airborne contaminant concentration above which certain monitoring actions are to be initiated. The PEL represents an airborne contaminant concentration above which worker over-exposure may occur. The PEL is frequently defined as a Time Weighted Average (TWA) for an 8-hour exposure period, but for some substances this may be as short a period as 15 minutes. The AL is frequently defined at approximately 50% of the PEL.

a. An initial evaluation should be made to determine if the action level for lead is exceeded. Sampling should be conducted at a frequency of at least every 6 months if employee exposure is at, or exceeds, the AL. This frequency should continue until at least two consecutive measurements, taken at least 7 days apart, are below the AL. If this occurs, monitoring may be discontinued. If monitoring demonstrates exposure levels exceeding the PEL, the sampling frequency should be quarterly. Sampling may be discontinued or reduced to every 6 months depending on the results of two consecutive samples, taken at least 7 days apart; below AL-discontinue, between the AL and the PEL-sample every 6 months. Regardless of the sampling frequency, the range atmosphere (occupant breathing zone) should be evaluated whenever there is reason to believe that airborne levels may change i.e., opening of new firing lanes, increased usage of the range, change of commonly used weapons/ammunition, etc.

b. Atmospheric samples should be of full shift duration (at least 7 continuous hours of sampling) and the samples should be representative of the occupant's exposure. The method of monitoring and analysis should have an accuracy (to a confidence level of 95%) of not less than plus or minus 20% for airborne concentrations of lead equal to or greater than 30 mg/m^3. Samples for lead can be collected on filters for subsequent analysis. An acceptable arrangement consists of a Millipore Type AA cellulose membrane (0.8 pore size) filter mounted in a three piece filter cassette (open face) connected to a calibrated personal monitoring pump (such as those manufactered by MSA, DuPont, Bendix, etc.), operating at a sampling rate of approximately 2 liters per minute. Samples can be analyzed by atomic absorption spectrophotometry. Details of the recommended sampling method are given in Appendix A.

c. The work environment should also be evaluated for carbon monoxide. This contaminant would be expected to be present at levels below its permissible limit, however this should be documented since carbon monoxide is present during weapons firing and it is toxic. Sampling can be conducted in conjunction with lead monitoring. Numerous commercial devices are available for carbon monoxide determinations. Detector tubes, if used, should be certified by NIOSH. Direct reading devices should be calibrated against a known carbon monoxide gas mixture at a concentration at or near the permissible exposure limit of 50 parts per million.

2. Medical surveillance. A medical surveillance program in compliance with the OSHA lead standard, should be instituted for all employees who are or may be exposed to atmospheric levels of lead greater than 30 micrograms/cubic meter (the action level), averaged over an 8-hour period, for more than 30 days per year. The medical surveillance program will consist of biological monitoring and a medical examination. Generally each employee being assigned to an area where atmospheric lead concentrations are at or exceed the action level will receive a pre-assignment medical examination and have blood sampling conducted every 6 months for lead and zinc protoporphyrin levels. Additional examinations, consultations, and more frequent blood sampling may be necessary depending the recognition of lead exposure signs/symptoms or excessive blood metal levels. Certain situations may require removal of the employee from the source of lead exposure. Details of a medical surveillance program as developed by NIOSH/OSHA can be found in Appendix B.

3. Hearing conservation. Baseline audiograms followed by periodic audiograms at six month intervals should be provided to all permanent range personnel, i.e. those that occupy the range on a recurring basis. Exams should be administered by a trained technician and results interpreted by a competent audiologist or other medical personnel. If a noise induced loss is noted, the frequency of exams should be shortened and steps taken to reduce the exposure or remove the individual from the noisy environment. Casual shooters and range personnel should wear hearing protection (at least ear muff type) when in hazardous areas. Audiometers and associated equipment are listed in Federal Supply Catalog C-6515-IL.

(A) Audiometers should be electroacoustically calibrated at least semiannually and meet requirements of the applicable sections of ANSI S3.6-1969. A biological calibration should be made at least once per week.

(B) Reserved.

4. User exposure monitoring. The Range Officer has responsibility for supervision of range users. At all ranges where atmospheric contaminants exceed the action level, it is necessary to implement a record of exposure time of range users. Each user shall maintain a usage exposure record which shall record the number of hours of exposure, the measured airborne lead levels (provided by the Facility Manager or the Range Officer), and the dates of all medical surveillance testing. The Range Officer at any facility having excessive contaminant levels shall have the responsibility to inspect all user exposure records and to limit range usage for any person with a prior excessive exposure level or without an appropriate medical surveillance record.

1. EPA airborne lead standards. The U.S. Environmental Protection Agency (EPA) is charged with responsibility for regulating contaminants entering the environment. As part of this function, EPA has developed several National Ambient Air Quality Standards for control of specific air pollutants. Final rulemaking on October 5, 1978 established ambient air quality standards for lead at a level of 1.5 micrograms of lead per cubic meter of air (ug/m^3), averaged over a calendar quarter. This level was chosen to provide protection for young children (the most susceptible group) from developing high levels of blood lead. It was judged that this level of control was needed to prevent build-up of the blood lead levels and the consequent public health effects.
Both the primary and secondary standards are set at identical levels based upon EPA's position that the primary standard level will adequately protect against adverse effects.

2. EPA hazardous waste disposal standards. The EPA has been given responsibility to regulate discharge of toxic materials to the environment via the solid waste phase. Lead and its compounds come under the control of EPA via regulation of the Resource Conservation and Recovery Act (RCRA). Disposal methods for such hazardous wastes are specified under RCRA regulations and are designed to prevent solid phase toxic substances from entering the air, the drinking water or the ground water table.

3. Applicability to range operations. The standards promulgated by federal regulatory agencies do not apply to other federal agency operations due to statutory limitations, however the use of Executive Orders has been established as a means of extending the range of applicability of such standards so as to encompass all federal operations. In this way, the U.S. Government has chosen to exhibit a level of compliance at least as high as is required of the private sector.

a. The EPA Airborne Lead Standards were primarily developed to control emissions from large point sources, such as lead smelters. Control of lead in gasoline had been the initial means of reducing ambient airborne lead. The exhaust ventilation from a firing range is a stationary point source for lead emissions, although does not fall within the EPA definition due to the low annual weight of lead emissions. Nevertheless, control of lead emissions is consistent with the EPA objective of reducing airborne lead levels, especially in urban areas.

(i) HEPA filters on an exhaust plenum from a firing range can collect more than 99% of the airborne lead. All indoor firing ranges should be designed to provide for HEPA filters prior to discharge of air from the facility.

(ii) Any system utilizing air-recycle methods, in which some air is re-used within the facility prior to discharge (see Chapter 3), must utilize HEPA filters in the recycle duct to assure the air supplied for breathing is not contaminated. (Note: As mentioned in Chapter 3 recycled air may also be contaminated by carbon monoxide which is not removed by HEPA filters.)

b. The EPA hazardous waste regulations are applicable to materials being discharged from indoor firing ranges as a result of normal maintenance operations. During cleaning, industrial vacuum units collect and concentrate range contaminants, principally lead dusts. Work clothing, cleaning equipment and tools also become contaminated. Other such contaminated item are spent filters from air ventilation equipment or other apparatus.

(i) Waste disposal methods must be developed to provide an environmentally safe route for disposal. Incineration of lead wastes is generally not a preferred route, due to the propensity for the lead to become airborne. Any incinerator used for lead wastes should be equipped with effective control systems, such as a wet scrubber, a de-mister and a particulate filter, to assure no particulate emissions occur.

(ii) Use of a sanitary landfill operation may be the preferred method of disposal if an adequate site can be located. Very stringent functional requirements have been defined by EPA to specify the "containment-capability" of a landfill.

(iii) Stabilization of the solid wastes via concretion, or similar methods, may be the necessary course of action for disposal if neither an acceptable incinerator or sanitary landfill can be found.

(iv) No specific environmental monitoring requirements are applicable to operators of an indoor firing range.

CHAPTER 6. RESPONSIBILITY

1. General. The three phases of construction, operation and use of indoor firing ranges all have different types of responsibilities for their conduct to assure that a safe and healthful workplace results.

2. Design and construction. It is the responsibility of all persons engaged in the design and construction of indoor firing ranges to become aware of the health-related aspects of their work described in prior chapters, especially Chapter 3. Both new construction and renovation of existing facilities need to be considered from the point of view of contaminant control systems.

a. Energy conservation is an important point to consider for range design. Systems employing recycled air must address harmful contaminant levels of all species, not just airborne particulate. It is the responsibility of the design engineer of a construction project to assure a system without harmful concentrations of toxic materials in the air.

b. Design considerations must also be given to allow maintenance operations to occur without excessive exposure of maintenance personnel. The design engineer is responsible for assuring adequate working space for contaminated filter changing, provision of locker and shower facilities for potentially exposed personnel, and controlled access areas for storage of contaminated maintenance equipment. Additional controlled storage for toxic wastes must be available and kept separate from normal wastes for proper disposal. Toxic waste receptacles must be of adequate size to contain all contaminated items, including spent filter units, unless other disposal methods are used.

3. Operation. It is the responsibility of range operators to assure the continuing existence of a safe workplace. The initial good design of a range in its engineering systems will be to no avail if a continued program of maintenance is not instituted.

a. Facility Manager. The Facility Manager at the site is responsible for ensuring that all work practices and other health related procedures are actually carried out. In marginally acceptable facilities, in which users may receive excessive exposures to contaminants, the Facility Manager has the further responsibility of developing and enforcing administrative control practices for users to keep their exposure levels and times from becoming excessive.

(i) Within the federal system, the responsibility for functional areas are commonly separated into different offices or agencies. This type of separation complicates the assignment of responsibility when many different staffs have to support a single

site operation. Owing to this situation, it becomes imperative to identify the safety of range operation, and all aspects associated with that safety, as the primary responsibility of the Facility Manager. This individual has the responsibility for recognizing when unsafe conditions or situations exist, and to exert whatever level of control over range users is deemed appropriate and necessary in order to comply with guidance of this document. Therefore each range Facilty Manager is responsible for being familiar with the total contents of this handbook, so as to be able to recognize potential health problems before an occupational exposure occurs.

(ii) The Facility Manager is responsible for implementing an administrative control system for all range users - both shooters and range officers. This system should be implemented whenever excessive airborne lead exposure is probable. The system would place strict user-time-limits to avoid toxic over-exposure based upon OSHA standards and maximum dosages allowed. Allowable user times for ranges with inadequate engineering control systems shall be established by advice of a qualified industrial hygienist and be based upon analysis of contaminant levels at the site during typical usage to determine user dosage. A range user shall be required to have a detoxification period prior to subsequent range usage whenever exposure levels are excessive. The performance of a site survey to support the usage schedule shall be implemented by a Facility Manager.

b. Maintenance Supervisor. The person in charge of maintenance operations for an indoor firing range is responsible for ensuring appropriate levels of maintenance are performed on the facility. This supervisor is further responsible for assuring that all maintenance workers are instructed in hazards present in various operations, proper work practices to be followed, and use of appropriate protective clothing and equipment for each task. The maintenance supervisor is also responsible for providing proper disposal practices of toxic waste materials such as vacuum bags, filter elements and contaminated work clothing.

c. Range Officer. The Range Officer is normally responsible for supervision of range users and the proper conduct on the firing line. This individual is further responsible for monitoring range usage by shooters with documented exposure dosage levels so as to limit time of range usage and over-exposure. This limitation of usage comprises one part of an administrative control system to be implemented at ranges lacking adequate engineering control systems.

4. Usage. All persons using an indoor firing range are responsible for proper conduct during their activities. The individual user has a responsibility for ensuring his actions do not place anyone in harm, either himself or other range users. This responsibility includes knowledge of the health-related effects associated with exposure to contaminants in the range and governing his or her usage rates to maintain the total allowable exposure to chemical contaminants or physical agents below acceptable levels. The range user should be responsible for checking with the Range Officer or the Facility Manager to obtain site data documenting the exposure levels at the range and to keep such user exposure and medical monitoring records for examination by the Range Officer in his function of supervising user exposure limits.

Appendix A. Lead Sampling Method

1. General. The following sections describe a method of sampling for airborne lead that is present at an indoor firing range. The method is one developed by the National Institute for Occupational Safety and Health, and is taken from DHEW (NIOSH) Publication No. 77-159, "NIOSH Manual of Sampling Data Sheets," 1977 edition, S341.

2. Analytical Method. A known volume of air is drawn through a cellulose membrane filter to trap the lead (including lead compounds) present. The filter is digested with nitric acid to remove the organic matrix, then solubilized in a nitric acid solution, and aspirated into an atomic absorption spectrophotometer for determination of concentration. The method has been validated over the range of 0.128-0.399 mg/cu m using a 180-liter sample at 22°C and 761 mm Hg atmospheric temperature and pressure.

3. Sampling Equipment. A calibrated personal sampling pump whose flow can be determined to an accuracy of ± 5% at approximately 1.5 liters per minute; a 37-mm three piece cassette filter holder and a 37-mm/0.8 micrometer mixed cellulose ester membrane filter (MCEF) supported by a cellulose backup pad.

4. Sample Size. A sample size of 180 liters is recommended at a flow rate of 1.5 liters per minute.

5. Sampling Procedure.

a. Assemble the filter and three piece filter cassette and close firmly to insure that the center ring seals the edge of the filter. Examine the holder for a good filter seal. If the cassette will not seal tightly, it should be discarded. Secure the cassette holder together with tape or shrinkable band.

b. Remove the cassette plugs and attach to the personal sampling pump tubing. Clip the cassette to the worker's lapel.

c. Air being sampled should not be passed through any hose or tubing before entering the filter cassette.

d. Set the flow rate as accurately as possible using the manufacturer's directions. Record the temperature and pressure of the atmosphere being sampled. If the pressure reading is not available, record the elevation. Position the middle of the rotameter ball of the personal sampling pump to the 1.5 liter per minute calibration mark as accurately as possible. Since it is possible for the filter to become plugged by heavy particulate loading or by the presence of oil mists or other liquids in the air, the pump rotameter should be observed frequently, and readjusted as needed. If the rotameter cannot be adjusted to correct a problem, terminate the sampling.

e. Collected sample cassettes should be firmly sealed with the plugs in both the inlet and outlet.

f. Carefully record sample identity and all relevant sample data.

g. Blank. With each batch of ten samples, submit one filter from the same lot of filters which was used for sample collection and which is subjected to exactly the same handling as the samples except that no air is drawn through it. Label this as a blank.

6. Special Considerations. Where interferring compounds are known or suspected to be present in the air, such information, including their suspected identities, should be transmitted with the sample.

7. Shipping Instructions. The cassettes in which the samples are collected should be shipped to the analytical laboratory in a suitable container, designed to prevent damage in transit.

Appendix B. Medical Surveillance Program

1. General. Worker exposure to lead above the action level in excess of 30 days per year requires a medical surveillance program be implemented for compliance with existing OSHA regulations. The following paragraphs are exerpted from the standard and detail the salient points of a surveillance program. The reader is referred for the full text of the standard to 29 CFR 1910.1025.

a. The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than 30 days per year.

b. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

c. The employer shall provide the required medical surveillance without cost to employees and at a reasonable time and place.

2. Biological monitoring.

a. Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin (ZPP) levels to each employee covered under paragraph 1a of this section on the following schedule.

(i) At least every 6 months to each employee covered under paragraph 1a of this section;

(ii) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 ug/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 ug/100 g of whole blood, and

(iii) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

b. Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under the standard, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

3. Medical examinations and consultations.

a. Frequency. The employer shall make available medical examinations and consultations to each employee covered under paragraph 1a of this section on the following schedule:

(i) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 40 ug/100 g;

(ii) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(iii) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(iv) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

b. Content. Medical examinations made available pursuant to paragraph 3a(i)-(ii) of this section shall include the following elements:

(i) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and

non-occupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(ii) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(iii) A blood pressure measurement;

(iv) A blood sample and analysis which determines:

(A) Blood lead level;
(B) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;
(C) Zinc protoporphyrin;
(D) Blood urea nitrogen; and;
(E) Serum creatinine;

(v) A routine urinalysis with microscopic examination; and

(vi) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to paragraph 3a(iii)-(iv) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

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SRI International

FINAL REPORT

POTENTIAL HAZARD OF ASBESTOS DUST IN FEDERAL BUILDINGS

Prepared for:

General Services Administration
Safety Management Branch
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ABSTRACT:

Seven federal buildings--courthouses and office buildings--have been surveyed to determine the extent of contamination of building air with asbestos fibers. The sources of such potential contamination are asbestos-containing fireproofing and insulation materials. Air samples were taken and analyzed, as were bulk samples of the suspect material. The potential exposures of workers (office and maintenance) in the buildings were assessed for compliance with applicable exposure limitations, and engineering measures for reductions of exposure were recommended. Although no exposures in excess of current occupational exposure limits were found, areas where improved control would reduce the possibility of future exposures to excessive levels were identified, and specific control measures were recommended.

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POTENTIAL HAZARD OF ASBESTOS DUST IN FEDERAL BUILDINGS: FINAL REPORT

I. INTRODUCTION

Because of their unique combination of resistance to heat and chemical attack, high tensile strength and flexibility, fibrous asbestos minerals have long been used by man. The early Greek geographer, Pausanias, speaks of golden lamps made about 430 B.C. with incombustible wicks of "Carpathian flax." The Romans used asbestos cremation cloths to conserve the ashes of deceased persons of rank. The French emperor, Charlemagne, had a table-cloth of asbestos and is reputed to have impressed his enemies by passing it through fire to clean it.

Today asbestos is used in thousands of commercial products including heat-resistant textiles, reinforced cement products, special filters for industrial chemicals, thermal insulation, floor tiles, gaskets, and brake linings. These products account for more than 800,000 tons of asbestos consumption per year in the United States alone, and asbestos fibers are so ubiquitous as to be found in the air we breathe, the food we eat and the water we drink.

A. Hazard to Human Health

The fact that asbestos is a hazard to man's health was also recognized quite early. During the First Century, Pliny the Elder, the Roman naturalist, and Strabo, the Greek geographer, both wrote of a sickness of the lungs in slaves whose occupation was the weaving of asbestos into cloth. However, the association of asbestos with chronic respiratory disease had to be rediscovered in the modern era. A series of case reports was followed by an epidemiologic study published in London in 1930,[1] 52 years

after large scale mining of asbestos had begun with the opening of a mine at Thetford, Quebec, Canada. The cancer-producing potential of asbestos was not established until 1949 when a report was published describing a high incidence of cancer of the lung and pleura among individuals dying from asbestosis.[2]

It is now clear that among some groups of asbestos workers, approximately 20% of all deaths are from lung cancer as opposed to 5% that would be expected as "normal."[3] Estimates for certain groups suggest that an additional 8 - 11% may die of pleural and peritoneal mesothelioma, malignancies that are seldom found in the general population.[4] However, other deaths will occur from excess gastrointestinal, oropharyngeal, and laryngeal cancer.

Furthermore, direct high level occupational exposure to asbestos is not the only concern. Cancers may result among persons living in the household of an asbestos worker or in the neighborhood of an asbestos product factory.

B. What is "Asbestos"?

Commercial and industrial considerations have obscured the definition of the word asbestos. In the world of commerce, for example, an asbestos impurity in a talc deposit might not be considered asbestos. To the mineralogist, however, asbestos is the generic name for a group of naturally occurring hydrated mineral silicates of the amphibole or serpentine series that are characterized by fibers or bundles of fine single crystal fibrils. (Naturally occurring asbestos fibers typically have length-to-width ratios of the order of 100 and higher.) Included in this definition are the following minerals:

- Chrysotile
- Crocidolite
- Amosite, and
- The fibrous varieties of anthophyllite, tremolite, and actinolite.*

All of these minerals may occur in a nonfibrous form, in which case they are not classified as asbestos. Commercially, chrysotile is the most important form of asbestos; crocidolite, amosite, and anthophyllite also have some commercial significance.+

C. Regulation of Asbestos-Fiber Exposures

The first recommendation for limiting exposure to asbestos in the United States was made in 1938 by Waldemar Dreesen of the USPHS.[5] On the basis of a study he had made of asbestosis in the asbestos textile industry, Dreesen recommended an airborne occupational exposure level of less than 5 Mppcf.[/] It was not until 1964 that this exposure-level value was formally recognized -- as a guideline issued by the Bureau of Labor Standards. No legal regulation was established until passage of the Occupational Safety and Health Act of 1970.

The 1970 Occupational Safety and Health Act, and subsequent regulations issued by the Occupational Safety and Health Administration (OSHA),

*Crocidolite, amosite, anthophyllite, tremolite, and actinolite are derived from the amphibole series and may be referred to as "amphiboles."

+Asbestos is sometimes given a commercial name or a name derived from the locale in which it occurs -- "mysorite," for example, is the name applied to a form of amosite asbestos now in commercial production in the Indian State of Mysore.

/Million particles per cubic foot.

apply directly to all private employers (including federal government contractors), but they do not apply to federal, state, or local government agencies.[6] Federal agencies are required by the Act and by Executive Order to establish their own occupational safety and health programs consistent with the standards of the Act and OSHA regulations.[7]

Current OSHA regulations, effective July 1, 1976, call for 8-hour time-weighted average (TWA) exposures to asbestos to be held to less than two fibers per cubic centimeter of air, with a limit on peak exposures (for a fifteen-minute period) of ten fibers per cubic centimeter (f/cc).[8]

Asbestos concentrations are measured using membrane filters with microscopic examination by optical microscopy at 400-540 x magnification, using phase-contrast illumination. Only those fibers longer than 5 micrometers (um), with a length to width (aspect) ratio of at least 3:1 are counted.

OSHA has proposed a limit on exposure of 0.5 f/cc (TWA),[9] and a peak exposure limit of 5 f/cc. The methods of measurement are the same as those previously stated. This proposed regulation has not been formally promulgated and its status is uncertain.

The National Institute for Occupational Safety and Health (NIOSH), has recommended that the occupational exposure limit be lowered still further, to 0.1 f/cc (100,000 fibers per cubic meter), with a recommended peak exposure limitation of 0.5 f/cc (500,000 fibers per cubic meter).[10] As stated in the revised recommended standard this is intended to hold exposures to the lowest level at which asbestos exposure can be reliably monitored, using phase-contract microscopic fiber counting procedures. It is, in

effect, a "zero-exposure" limit. This recommendation has been formally transmitted to OSHA.

In addition to the occupational exposure limitations, there is concern for the effects of exposure on the general public, and the Environmental Protection Agency (EPA) has given some consideration to setting ambient air quality standards for asbestos exposure. It is unlikely that such a standard will be set in the near future. EPA and the National Institute of Environmental Health Sciences (NIEHS) are currently conducting long-term animal exposure experiments that are expected to produce some of the information necessary to set rational air quality standards. Together with epidemiological studies of human populations exposed to varying levels of asbestos exposure, these experiments will be used to estimate the risks associated with exposures to given levels of asbestos. At present, no basis exists for setting any numerical limit on exposures of the general public.[11]

D. Use of Sprayed Asbestos in Buildings

Beginning in the 1930s, sprayed-on mineral fiber-containing material was used for acoustic and thermal insulation, and as a decorative agent. In 1950 the Underwriter's Laboratory approved one brand of blended fiber insulation as a fireproofing agent and in 1958 sprayed asbestos-containing fireproofing material was first used in a large multi-story building. In 1970 sprayed "inorganic fiber" was used as a fireproofing agent in well over half of all large multi-story buildings.[12] In 1973 this use of asbestos-containing insulation was banned by the Environmental Protection Agency.

The composition of the fire-retardant material varied depending upon the process of application. On the West Coast, "cementitious" material was widely used. This material was applied as a wet slurry pumped through a hose to a nozzle and sprayed upon the surface to be coated. In the "dry" method used (principally) on the East Coast, the dry material was dumped into a hopper and blown to a nozzle surrounded by a ring of fine water jets; the mixing took place at a focal point beyond the end of the nozzle, and the resultant mix was directed onto the surface. [13]

The composition of the two types of insulation is qualitatively similar, consisting of 5-30% asbestos, mineral wool (or fibrous glass), clays, adhesives, resins and oils, cement, gypsum, and vermiculite. The cementitious type contains more of the last three agents and 5-10% asbestos, while the "dry" type contains 25-30% asbestos and less of the last three agents. The cementitious type is significantly less friable and more durable.

E. Other uses of Asbestos in Buildings

In addition to its use in sprayed insulation, fireproofing and decorative applications, asbestos has been widely used in pipe insulation, and (occasionally) in duct insulation.

F. Exposure Resulting from Use of Sprayed Asbestos Insulation in Buildings: Prior Studies

Two major studies of air concentrations of asbestos in public buildings have recently been published.[13] [14] The first of these studies, by Nicholson, Rohl, and Weisman of Mt. Sinai School of Medicine in New York, examined the concentrations of asbestos in the air of 19 public buildings in five U.S. cities. Air concentrations were determined by electron and optical microscopy. In the second study, by Sawyer, concentrations of asbestos in a Yale Library building before, during, and after the removal of sprayed (15% asbestos) acoustical/decorative material were reported. In the Nicholson study, fiber levels from 0 to 0.0326 fibers/ (by phase-contract microscopy) were reported during normal occupancy of the buildings, with the higher levels in those buildings in which the "dry" spraying process had been used. The Sawyer study reported fiber counts of 0.02 (mean) fibers/cc, during normal occupancy, but with significant and excessive exposures to mechanical and custodial staff during maintenance activities.

The U.S. Department of Labor, (DOL) has instituted a systematic monitoring program to examine the air in building spaces occupied by DOL personnel. To date, no instances of potential exposures to asbestos concentrations above current or proposed OSHA occupational limits have been reported.[15]

II. METHOD OF APPROACH

A. Purpose and Scope

This project has been an exploration of the potential occupational exposure problems posed by use of asbestos-containing materials in seven federal buildings, selected as representative of those in which asbestos-containing materials have been used. The following buildings were selected for study:

1. U.S. Customs Court and Federal Buildings
   26 Federal Plaza
   New York, New York

2. General Accounting Office Building
   441 G Street, NW
   Washington, DC

3. Federal Building
   51 SW First Avenue
   Miami, Florida

4. A. J. Celebrezze Building
   1240 E. Ninth Street
   Cleveland, Ohio

5. Federal Building and U.S. Courthouse
   1961 Stout Street
   Denver, Colorado

6. Federal Building and U.S. Courthouse
   450 Golden Gate Avenue
   San Francisco, California

7. U.S. Courthouse
   W. 920 Riverside Avenue
   Spokane, Washington

The following questions were to be answered:

- Are the concentrations of asbestos fibers in the air of buildings 1-7 significantly greater than those in ambient air surrounding those buildings?
- Are there significant differences in the concentrations of fibers in the air between those buildings?

- Are there significant differences between specified areas of the same buildings?
- Can those differences be ascribed, if present, to differences in the amount, type, location, or state of maintenance of sprayed asbestos material present in those buildings or areas, or in the air handling systems serving those areas?
- Are any of the measured concentrations above, or near, current or proposed limits on occupational or general environmental exposure?
- Can specific safe, efficient, cost-effective, and technically feasible control measures be recommended for reduction of concentrations found to be in excess of accepted good practice?

The surveys in each of the buildings were coordinated by the Safety Management Branch (Mr. Henry Singer), by the Accident and Fire Prevention Branch Chief in each region, and by the Buildings Managers.

B. Experimental Method

1. Air Sampling

Sampling locations in each of the buildings were chosen in consultation with GSA representatives. The basic aim was to identify any areas in which asbestos concentrations, during normal operating conditions, were in excess of those in other areas of the buildings, and to identify any potentially hazardous concentration areas.

The first criterion was the number of separate air handling systems in the building. If there was more than one such system, a decision was made as to whether each system should be sampled separately. Such factors as amount and percentage of recycled air, presence and type of filtration, type of air moving equipment, velocities and volumes handled, and return through ceiling spaces or separate ducts were all important in deciding whether the systems were signficantly different.

The second criterion was the type of fireproofing and acoustical insulation applied to the building structure. The date and type of insulation, its fibrous content, the velocities of air traversing it, its state of maintenance, and the extent to which it was exposed to human contact were important factors in deciding whether or not it was important to examine an area separately from other areas in the same building.

The third criterion was the extent to which a given stream or body of air was representative of the usual exposures of building occupants. If the first two criteria are satisfied, then preference will be given to sampling the air to which the largest numbers of people are exposed.

The fourth criterion was the adequacy of documentation that a given air stream represented. Where air streams are mixed, there is always the possibility of misattribution of the source of any possible contamination.

The fifth criterion was the ease of obtaining a representative air sample. This was not a significant problem; in a few instances, however, it was difficult to find a suitable location for isokinetic sampling in ducts in an otherwise desirable local distribution system, and a "second-best" location was chosen.

The twelve sample locations for a "typical" survey were as follows (recognizing that all such systems have individual characteristics):

Sample 1: In the outside ambient air stream delivered to the air handling system, before entry or filtration.

Sample 2: In the delivery system, after filtration, cooling or heating; and before mixing with any return air.

Sample 3: In the mixed (including return) air stream for delivery to the building.

Sample 4: In the main return air stream after passage through a false ceiling plenum space in contact with asbestos-containing fireproofing.

Sample 5: At a "typical" air outlet in a "typical" room.

Sample 6: At the air return inlet (exhaust) in the same room.

Sample 7-12: In spaces representative of personal exposures in the same room, as well as in other rooms served by the same system.

All samples taken in moving air streams were taken isokinetically with face velocities matched to the velocity of the moving air stream ($\pm$20% or less) and in the same direction as the moving stream. The methods of sampling and analysis are given in detail in Appendix C, but were in compliance with the recommendations of NIOSH,

and the requirements of OSHA, for the determination of compliance with occupational exposure limitations.

2. Bulk Samples

Two samples of bulk material were taken from each building for determination of asbestos content. Analytical methods are given in Appendix C.

3. Reporting

Draft reports on each of the seven buildings surveys were sent to the Safety Management Branch, to the Buildings Managers, and to the Regional Chief, Accident and Fire Prevention Branch, for review.

III. SURVEY RESULTS

The detailed revised individual building survey reports are attached to this report. For simplicity of comparison, some of these results have been accumulated below, in Table 1. The air sampling results listed there are those that represent potential exposures of building occupants. Tables 2-8 are the air sampling results for each of the seven buildings surveyed.

Each of the buildings was unique, but there was also a large area of commonality. In six of the buildings, the asbestos-containing material of concern was a sprayed fireproofing, that had been applied to structural steel in spaces where the building ventilation air could contact it, or where building occupants were otherwise directly exposed. Three of these six contained "fibrous" fireproofing; relatively soft and friable material, that was easily removed by

hand pressure. The other three contained cementitious fireproofing, which was significantly more dense, and less liable to accidental damage. In the seventh building, asbestos-paper (mill board) duct-work was used to convey the supply air from main branch supply ducts to individual room diffusers.

The asbestos content of the fireproofing ranged from 5% (in Spokane) to 80-90% (in Miami). The asbestos content of the duct-work in the GAO Building in Washington was 66% in the portion of the duct-work in contact with the supply air. In one of the buildings, (San Francisco) the fibrous fireproofing was coated with a "sealer", intended to reduce erosion and abrasion, while in Miami and New York, the fireproofing was not so coated. None of the cementitious fire-proofing was coated.

In some cases it was obvious that the fireproofing was no longer intact. This was particularly noteworthy in San Francisco where pieces of dislodged fireproofing were found on the upper surfaces of the suspended ceiling tiles, on the floor of a mechanical room (Penthouse) where the fireproofing had not been coated, and in screens in the return ducts.

IV. DISCUSSION OF RESULTS

None of the air samples taken during this survey were above either the current (2 f/cc) or the proposed (0.5 f/cc) OSHA limit, or the 0.1 f/cc NIOSH recommendation. With the exception of the GAO Building in Washington, the maximum levels found in the buildings were either in the return air streams, or in the outside fresh air intakes. Data analysis methods are given in Appendix D.

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As can be seen in Tables 2-8, the 95% confidence limits on the fiber concentrations were quite broad. The confidence limits for all samples in all buildings overlapped; for none of the samples was the lower confidence limit above the upper confidence limit for any other sample. This means that it may be concluded that the differences seen in the samples were statistically insignificant; we have no reason to believe that the differences arose from any specific cause other than chance. Further, the upper 95% confidence limit allows determination of whether there is a statistically significant probability that a given sample was in excess of the NIOSH - recommended limit on occupational exposure. The upper 95% limit was not at or above 0.1 f/cc for any of the samples taken in this study.*

In Table 9, are shown the accumulated sample values for the seven buildings (excluding only those samples taken in outside air), grouped in concentration ranges. These data were tested by chi-square, and no significant difference was found ($p \sim 0.2$; that is, there is about a 20% probability that differences greater than those shown in Table 9 could arise solely from chance.) Thus, there appears to be no statistically significant difference in the air concentrations of asbestos between the inside air in these seven buildings. These conclusions were further investigated from the groupings in Table 10. When the air samples results for the buildings with cementitious fireproofing were compared with those from the buildings with "fibrous" fireproofing, the differences were found to be statistically insignificant ($p \sim 0.4$).

*See Appendix D for a discussion of the limitations of this approach.

However, when all three categories were compared, the probability of entirely chance causation fell to about 9%. This is a value of marginal statistic significance, and indicates that the differences seen may well be "real"; they may have some physical basis.

Because the differences in proportions of the samples falling in the various concentration categories are greatest between the buildings with cementitious fireproofing and the GAO Building, in which the potential asbestos source was the supply duct work, the differences between these buildings were examined. These differences were statistically significant ($p \sim 0.03$), indicating the likelihood that the differences arise from real differences between the two sets of buildings. The differences between the buildings with the fibrous fireproofing, and those with the cementitious fireproofing were insignificant ($p \sim 0.5$).

Because the number of samples taken in these surveys was small, it is dangerous to base conclusions about the buildings as wholes only upon the statistical analysis of the data. Some consideration must be given to the possibility that selection of sampling sites may have been incorrect; that conditions may change in the future; and that the building occupants will interact with their surroundings in ways not considered in these surveys.

Some of the results found, although statistically not significant, warrant some special discussion. These results were the use of asbestos duct work in the GAO Building in Washington, and the evidence of physical degradation of the sprayed fibrous fireproofing in the San Francisco federal building. In both of these buildings

there is a special risk, because of the potential for degradation of the asbestos-containing material; with consequent potential for exposure of building occupants.

In all of these buildings, there is a substantial potential for asbestos exposure of GSA personnel assigned to maintenance, or building trades activities. This is especially true during any activities involving the disturbance of the asbestos-containing material. The persons at greatest risk of excessive exposure would be those who performs jobs in which they are required to be in intimate contact with the material. Examples of the job categories at greatest potential risk are carpenters, sheetmetal workers, plumbers, and electricians. In addition, those workers in the buildings who clean up any dislodged or abraded material debris resulting from the activities of the above-mentioned workers, will also be at risk. The exposures of both of these classes of workers will be episodic, superimposed upon a lower, eight-hour exposure to the levels common to all of the buildings' occupants.

The exposures to the workers employed in buildings trades and maintenance activities were not measured during this study; they have been measured by NIOSH personnel in the San Francisco building. Short-term exposures to concentrations of asbestos many times the current OSHA standard were measured by NIOSH, during the performance of repair and reconstruction work (appropriate protective equipment was apparently worn during these activities).

The measures to be taken as a result of this current survey cannot be justified upon the basis of the air-sampling results obtained.

As stated above, no concentrations of asbestos above either current or proposed standards were measured. The recommended measures are based upon potential risk, that may occur in the future. In some of the situations observed during this study, the potential for exposures to buildings occupants to levels of asbestos above the recommended limits dictates the suggested measures; in other situations, the potential for exposure of maintenance workers is the important factor.

V. CONCLUSIONS

The conclusions drawn as a result of this survey are given below as answers to the questions posed on pages 8 and 9:

- Are the concentrations of asbestos fibers in the air of buildings 1-7 significantly greater than those in the ambient air surrounding those buildings?

- No. The concentrations of asbestos fibers in the building air, as delivered to the spaces occupied by workers in the buildings, were not significantly different than the concentrations of asbestos fibers in the outside air drawn into the buildings air supply. In three cases, e.g. Denver, the highest levels found were those in the outside air.

- Are there significant differences in the concentrations of fibers in the air between those buildings?

- Yes. Although the differences between individual buildings were not significant, there were significant differences between the concentrations of asbestos in the air of the GAO building, and the air inside the three buildings in which cementitious fireproofing had been applied.

- Are there significant differences between specified areas of the same buildings?

- No. The differences found within each building were statistically insignificant. However, there were indications that potentials for higher levels exist in those areas where asbestos-containing materials are used without surface coating, and where the material can be easily dislodged.

- Can those differences be ascribed, if present, to the amount, type, location, or state of maintenance of sprayed asbestos material present in those buildings or areas, or in the air handling systems serving those areas?

- Yes. The areas with the greatest potential for excessive exposures were those in which the "fibrous" fireproofing was used, or in which asbestos was used in ductwork. The lack of surface coating on the fireproofing, and the lack of recoating or otherwise maintaining the materials clearly affects the potential for contamination of building air spaces. The most probable cause of such contamination is dislodgement of asbestos-containing materials, with consequent opportunity for redispersion into the air. It must again be emphasized that only the potential for such contamination was observed in this study.

- Are any of the measured concentrations above, or near, current or proposed limits on occupational or general environmental exposure?

- No. The highest measured concentration found in any of the buildings (in air to which building/office occupants would be exposed) was 0.0159 f/cc, in the room air of the GAO building in

Washington, D.C. The highest single value found was 0.0263 f/cc, in a mechanical room of the San Francisco building, in an area where maintenance workers would be exposed. In only two cases were the upper 95% confidence limits above one-half of the NIOSH-recommended limit of 0.1 f/cc; the aforementioned sample in San Francisco, and a sample in a return plenum of the New York Federal Building. The overall conclusion is that, under the conditions of the survey, neither office workers nor building maintenance workers are exposed to concentrations of asbestos above relevant occupational exposure limits. The highest measured exposures were nearly two orders of magnitude below the current OSHA limit of 2 f/cc.

- Can specific safe, efficient, cost-effective, and technically feasible control measures be recommended for reduction of concentrations found to be in excess of accepted good practice?

- Yes. Although none of the concentrations measured were in excess of occupational exposure limits, there were indications that those exposure limits might be exceeded on occasions, if the asbestos-containing materials were disturbed. In addition, there were areas in several of the buildings where degradation of the asbestos-containing materials was noted; there is a potential for excessive exposures, particularly of maintenance workers. The recommended control measures are given below.

VI. RECOMMENDATIONS

- The most important measure to be taken in any of these buildings is maintenance of the integrity of the asbestos-containing

material. This can be best accomplished by regular, routine physical inspection of all materials containing asbestos, to determine that it is physically sound. It is recommended that this inspection be accomplished as part of the regularly scheduled maintenance activities; for those areas where routine maintenance inspection is unlikely (such as in the plenum spaces above suspended ceilings), a program of spot checking should be initiated, so that representative areas are examined routinely. The frequency of such examination is recommended to be:

- Every six months for fibrous fireproofing and asbestos-containing duct work.

- Every year for cementitious fireproofing, and other asbestos-containing materials with similar inherent structural integrity.

• It is not recommended that any of these materials be purposely removed. The building contamination that would result from such removal, together with the potential for over-exposure of the personnel doing the removal, presents a greater potential risk, than the possible benefits (in reduced longterm exposures).

• All materials being used in government buildings should be certified as "asbestos-free", except for those materials and products (such as laboratory gloves and mats) for which no asbestos-free substitute exists. This should be made a part of purchasing specifications. The U.S. Navy has prepared a list of asbestos-free substitute materials and will be a valuable source of assistance in this effort.

- Vacuum cleaners should be used for clean-up of all scraps and waste from any asbestos-containing material. In Appendix B is shown some promotional material from a manufacturer of a vacuum cleaner that has been found satisfactory for such clean-up; in tests by Johns-Mansville Corporation, the asbestos concentration in the exhaust stream was less than 0.5 f/cc.[16]

- Conventional home or commercial vacuum cleaners should not be used for this clean-up. The filtration efficiency of conventional bags for asbestos fibrils is so low that these units may act as aerosal generators, dispersing fibrils into the air, and worsening the air contamination problem.

- Where suitable vacuum cleaners are not available, wet clean-up of waste should be used. This may be accomplished by wet mopping. In such cleaning, it is important to dispose of asbestos-contaminated mop water immediately after mopping. This avoids recontamination of floors with water-home asbestos fibers in subsequent mopping, with consequent redistribution into the air upon drying.

- Fibrous fireproofing should be coated with an appropriate material to reduce the potential for erosion into air streams, and consequent exposure of buildings occupants. In Appendix B are shown promotional materials for three different brands of sealer material that are worthy of further evaluation. It is also recommended that the selected sealer material be appropriate for use in hand sprayers, so that maintenance crews can reseal any areas that are disturbed in the course of maintenance activities.

- The provisions of 29 CFR Part 1910.1001 should be followed in all manipulations of asbestos-containing material. (See Appendix A)

TABLE 1

GSA BUILDING SURVEY: ASBESTOS EXPOSURE

BUILDING(S)	CITY	ASBESTOS CONTAINING MATERIAL	ASBESTOS[a] CONTENT	AIR SAMPLING RESULTS (f/cc)[b] MAXIMUM	MINIMUM	OUTSIDE
U.S. Customs, Court & Federal Buildings	New York	Fibrous[c] Fireproofing	7% 9%	0.0049	0	0
GAO Building	Washington	Supply) Inner Duct) Outer	66% 54%	0.0159	0	0.0022
Federal Bldg.	Miami	Fibrous Fireproofing	83% 92%	0.0107	0.0020	0.0027
A.J. Celebrezze Bldg.	Cleveland	Cementitious Fireproofing	8% 10%	0.0089	0	0.0067
Federal Bldg. & U.S. Courthouse	Denver	Cementitious Fireproofing	17% 40%	0.0038	0	0.0041 0.0063
Federal Bldg. & U.S. Courthouse	San Francisco	Fibrous Fireproofing	30%	0.0036	0	0.0038 0.0057
U.S. Courthouse	Spokane	Cementitious Fireproofing	5%	0.0045	0	0.0154

NOTES: a) All chrysotile, except Miami, which was amosite.

b) Actual measured concentration to which workers may be exposed.

c) "Fibrous" used to differentiate from "cementitious."

TABLE 2

AIR SAMPLES - NEW YORK FEDERAL BUILDING

Sample Number	Location	Liters	Fields	Fibers	Fibers/cc	95% Confidence Limits Upper	Lower
001	Rm.1603-Peripheral supply diffuser	828	104	0	0	0.0087	0
002	Common return - 15th Floor	830	104	1	0.0024	0.0155	<0.0001
004	Filtered Supply Air - 15th Floor	860	104	0	0	0.0084	0
011	Rm.1605- Office Return	482	104	5	0.0208	0.0659	0.0014
015	Outside Air on Roof	880	104	0	0	0.0088	0
018	Rm 1605 Supply diffuser	832	104	2	0.0048	0.0213	<0.0001
019	Rm 1605 Supply diffuser	822	104	0	0	0.0088	0
020	Rm 1605 Return Grille	816	104	2	0.0049	0.0217	<0.0001
022	Rm 1605 - Desk level-Breathing zone	868	103	1	0.0023	0.0150	<0.0001
023	Rm 1605 - Desk level Breathing zone	862	103	0	0	0.0085	0
024	Unfiltered Supply Air-15th floor	850	106	4	0.0093	0.0311	0.0004
K	Rm. 1603- Supply Air	420	105	2	0.0095	0.0417	0.0001

TABLE 3

AIR SAMPLES - GAO BUILDING - WASHINGTON

Sample Number	Locations	Liters	Fields	Fibers	Fibers/cc	95% Confidence Limits Upper	Lower
047	Roof - Outside Air	905	106	1	0.0022	0.0139	<0.0001
040	Penthouse - Return Air	922	103	3	0.0066	0.0238	0.0002
030	Penthouse - Mixed Supply Air-Before Filtration	836	107	1	0.0023	0.0150	<0.0001
046	Rm.1057 - Supply Air at Diffuser	1089	104	2	0.0037	0.0162	<0.0001
039	Rm.1057 - Room Air	1092	108	3	0.0053	0.0191	0.0002
045	Rm.1057 - Room Air	932	106	2	0.0042	0.0186	<0.0001
031	Rm.1057 - Return Grille	853	108	7	0.0159	0.0442	0.0017
044	Rm.1095 - Supply Air at Diffuser	816	104	0	0	0.0089	-0-
043	Rm.1095 - Room Air	820	104	6	0.0147	0.0434	0.0013
034	Security Office - Room Air	766	105	2	0.0052	0.0229	<0.0001
042	Security Office - Supply Air at Diffuser	721	108	2	0.0054	0.0236	<0.0001
033	Security Office - Supply Air at Diffuser	892	104	6	0.0135	0.0394	0.0012

TABLE 4

AIR SAMPLING RESULTS - MIAMI FEDERAL BUILDING

Sample Number	Location	Liters	Fields	Fibers	fibers/cc	95% Confidence Limits Lower	Upper
016	Rm.1628 - Supply diffuser	1004	103	1	0.0020	<0.0001	0.0129
017	Rm.1616 - Supply diffuser	1028	104	3	0.0059	0.0002	0.0211
Ø26	Rm. 122 - Return Plenum	960	102	5	0.0107	0.0007	0.0330
027	Rm. 105 - Room Air	942	105	1	0.0021	<0.0001	0.0135
028	Hallway Return Plenum Rm. 1628	880	104	2	0.0046	<0.0001	0.0201
029	Rm. 1616 - Room Air	1030	102	3	0.0060	0.0002	0.0215
032	Outside Air Sample-Roof	734	104	1	0.0027	<0.0001	0.0175
035	Rm. 122 - Supply diffuser	960	104	1	0.0021	<0.0001	0.0134
036	17th Floor-Return from floors 10-18	932	104	1	0.0022	<0.0001	0.0138
038	Rm. 122 - Room air	954					
041	Rm. 105 - Supply diffuser	930	104	4	0.0086	0.0004	0.0290
048	Hallway Return Plenum Rms. 105-106	888	105	4	0.0090	0.0004	0.0300

TABLE 5

Air Sampling Results - Cleveland

Sample #	Location	Liters	Fields	Fibers	f/cc	95% Confidence Limits Lower	Upper
003	Mezz 109 - Supply diffuser	712	103	0	0	0	0.0103
005	Rm.2243-2245 Ceiling return plenum	928	103	6	0.0131	0.0011	0.0383
006	Mezz 109 - BZ* Sample	710	103	1	0.0029	<0.0001	0.0183
007	Ceiling plenum outside Rm 2235	830	105	4	0.0096	0.0005	0.0326
008	Rm 2235 Supply diffuser	856	104	1	0.0023	<0.0001	0.0150
009	Rm 2245 BZ* Sample	908	104	4	0.0089	0.0004	0.0299
010	Rm 2245 Supply diffuser	914	103	0	0	0	0.0080
012	Mezz 109 Return grille	700	105	0	0	0	0.0102
013	29th Floor Return shaft	696	103	0	0	0	0.0105
014	Rm 2235 BZ* Sample	914	103	2	0.0044	<0.0001	0.0195
021	Roof - Outside air	907	103	3	0.0067	0.0002	0.0242
037	Rm 2235 Ceiling return plenum	846	103	2	0.0048	0.0001	0.0211

*BZ = Breathing Zone - Sample taken 4-5 feet above floor level to represent air breathed by room occupants.

TABLE 6

AIR SAMPLES - FEDERAL BUILDING AND COURTHOUSE

DENVER, COLORADO

Sample Number	Location	Liters	Fields	Fibers	Fibers/cc	95% Confidence Limits Lower	Uppper
1	Federal Bldg. AC Equipment Room	956	101	0	0	0	0.0078
2	Federal Bldg. AC System #4	958	103	1	0.0021	<0.0001	0.0136
3	Federal Bldg. AC System #4	960	104	3	0.0063	0.0002	0.0226
4	Federal Bldg. Conference Rm. #2328	958	104	0	0	0	0.0076
5	Federal Bldg. Conference Rm. 2328	1056	103	0	0	0	0.0069
6	Federal Bldg. Conference Rm. #2328	1074	103	2	0.0038	<0.0001	0.0166
7	Federal Bldg. Penthouse	956	104	3	0.0063	0.0002	0.0227
8	Federal Bldg. Penthouse	956	103	1	0.0021	<0.0001	0.0136
9	Courthouse Courtroom D	960	104	0	0	0	0.0075
10	Courthouse AC Equipment Room	960	107	0	0	0	0.0073
11	Courthouse AC Equipment Room	962	106	2	0.0041	<0.0001	0.0180
12	Courthouse Penthouse Equipment Room	960	103	0	0	0	0.0076

TABLE 7

AIR SAMPLES - SAN FRANCISCO

Sample Number	Location	Liters	Fields	Fibers	Fibers/cc	95% Confidence Limits Upper	Lower
608	Sub-basement-Outside Air	1042	105	2	0.0038	0.0168	<0.0001
616	Sub-basement-Filtered Mixed Air	1058	105	1	0.0019	0.0120	<0.0001
617	IRS Field Office-5th Floor - Supply Diffuser	1070	104	0	0	0.0068	0
621	IRS Field Office - 5th Floor Room Air	1086	103	1	0.0019	0.0120	<0.0001
613	IRS Field Office - 5th Floor Return Plenum	1084	103	2	0.0037	0.0165	<0.0001
603	Sub-basement - Return Air	896	109	2	0.0043	0.0188	<0.0001
625	Penthouse - Unfiltered Supply Air	701	102	9	0.0263	0.0614	0.0038
623	Courtroom #7 - Room Air	1242	104	0	0	0.0058	0
611	20th Floor - Unfiltered Outside Air	1053	105	3	0.0057	0.0204	0.0002
619	Building Manager's Office - Room Air	1128	104	2	0.0036	0.0157	<0.0001
602	Building Manager's Office - Return Plenum	1006	105	3	0.0059	0.0214	0.0002
618	20th Floor - Return Air	1068	105	5	0.0093	0.0294	0.0006

TABLE 8

AIR SAMPLES - Spokane, Washington

Sample Number	Location	Liters	Fields	Fibers	Fibers/cc	95% Confidence Limits	
						Lower	Upper
1	Return Air - 3rd floor fan rm	934	104	1	0.0022	<0.0001	0.0138
2	Fresh Air Intake - 3rd floor	930	102	7	0.0154	0.0017	0.0430
3	Return Air - 4th floor fan rm	948	105	2	0.0042	<0.0001	0.0185
4	Room 461 - Room Air	938	103	1	0.0022	<0.0001	0.0138
5	Return Air - Upper Penthouse	952	105	5	0.0105	0.0007	0.0330
6	Room 544 - Room Air	926	104	0	0	0	0.0078
7	Room 544 - Return Air Grill	922	104	1	0.0022	<0.0001	0.0139
8	Room 481 - Room Air	932	104	0	0	0	0.0073
9	Room 120 - Room Air	900	104	0	0	0	0.0080
10	Room 127 - Room Air	906	103	2	0.0045	<0.0001	0.0197
11	Room 656 - Room Air	930	106	1	0.0021	<0.0001	0.0136
12	Room 851L - Room Air	942	107	1	0.0021	<0.0001	0.0133

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TABLE 9 - AIR SAMPLES INSIDE BUILDINGS

Concentrations	New York	WDC	Miami	Cleveland	Denver	San Francisco	Spokane	Total
0	4	1	0	4	6	2	3	20
0 - 0.0030	2	1	4	2	2	2	5	18
0.0031-0.0060	2	5	3	2	1	4	2	19
0.0061-0.0090	0	1	2	1	0	1	0	5
> 0.0090	3	3	1	2	0	1	1	11
	11	11	10	11	9	10	11	73

TABLE 10

COMPARISON OF "CEMENTITIOUS" & FIBROUS
FIREPROOFING APPLICATIONS & DUCT

Concentration	Cementitious	Fibrous	Duct	Total
0	13	6	1	20
0-0.0030	9	8	1	18
0.0031-0.0060	5	9	5	19
0.0061-0.0090	1	3	1	5
>0.0090	3	5	3	11
	31	31	11	73

APPENDIX A

29 CFR Part 1910:1001

Asbestos

The currently applicable OSHA
Regulation governing asbestos handling

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29 CFR Part 1910.1001

§ 1910.1001 Asbestos.

(a) *Definitions.* For the purpose of this section, (1) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(2) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(b) *Permissible exposure to airborne concentrations of asbestos fibers*—(1) *Standard effective July 7, 1972.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(2) *Standard effective July 1, 1976.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(3) *Ceiling concentration.* No employee shall be exposed at any time to airborne cencentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(c) *Methods of compliance*—(1) *Engineering methods.* (i) *Engineering controls.* Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in paragraph (b) of this section.

(ii) *Local exhaust ventilation.* (a) Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2–1971, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z9.2–1971, and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(iii) *Particular tools.* All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits pre-

scribed in paragraph (b) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with subdivision (ii) of this subparagraph.

(2) *Work practices*—(i) *Wet methods.* Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in paragraph (b) of this section, unless the usefulness of the product would be diminished thereby.

(ii) *Particular products and operations.* No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in paragraph (b) of this section.

(iii) *Spraying, demolition, or removal.* Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with paragraph (d)(2)(iii) of this section and with special clothing in accordance with paragraph (d)(3) of this section.

(d) *Personal protective equipment*—(1) Compliance with the exposure limits prescribed by paragraph (b) of this section may not be achieved by the use of respirators or shift rotation of employees, except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by paragraph (c) of this section;

(ii) In work situations in which the methods prescribed in paragraph (c) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by paragraph (b) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by subdivisions (i), (ii), or (iii) of this subparagraph, and both are practicable, personnel rotation shall be preferred and used.

(2) Where a respirator is permitted by subparagraph (1) of this paragraph, it shall be selected from among those approved by the Bureau of Mines, Department of the Interior, or the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, under the provisions of 30 CFR Part 11 (37 F.R. 6244, Mar. 25, 1972), and shall be used in accordance with subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) *Air purifying respirators.* A reusable or single use air purifying respirator, or a respirator described in subdivision (ii) or (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) *Powered air purifying respirators.* A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in subdivision (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) *Type "C" supplied-air respirators, continuous flow or pressure-demand class.* A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) *Establishment of a respirator program.* (a) The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2–1969, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z88.2–1969 and the maintenance of an historic file in connection

therewith. The address of the American National Standards Institute is given in § 1910.100.

(c) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(3) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in paragraph (b) of this section.

(4) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (*a*) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(*b*) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (*a*) of this subdivision to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(*c*) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with paragraph (g) of this section.

(e) *Method of measurement.* All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400–450 × (magnification) (4 millimeter objective) with phase contrast illumination.

(f) *Monitoring*—(1) *Initial determinations.* Within 6 months of the publication of this section, every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in paragraph (b) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with paragraph (c) of this section.

(2) *Personal monitoring*—(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by paragraph (b) of this section.

(3) *Environmental monitoring*—(i) samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns.* After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for

employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in paragraph (b) of this section.

(4) *Employee observation of monitoring.* Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(g) *Caution signs and labels.* (1) *Caution signs.* (i) *Posting.* Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in paragraph (b) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(ii) *Sign specifications.* The warning signs required by subdivision (i) of this subparagraph shall conform to the requirements of 20" x 14" vertical format signs specified in § 1910.145(d)(4), and to this subdivision. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	*Notation*
Asbestos	1" Sans Serif, Gothic or Block.
Dust Hazard	¾" Sans Serif, Gothic or Block.
Avoid Breathing Dust	¼" Gothic.
Wear Assigned Protective Equipment.	¼" Gothic.
Do Not Remain In Area Unless Your Work Requires It.	¼" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health.	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) *Caution labels*—(i) *Labeling.* Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) *Label specifications.* The caution labels required by subdivision (i) of this subparagraph shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause Serious Bodily Harm

(h) *Housekeeping*—(1) *Cleaning.* All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) *Waste disposal.* Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) *Recordkeeping*—(1) *Exposure records.* Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) *Employee access.* Every employee and former employee shall have reasonable access to any record required to be maintained by subparagraph (1) of this paragraph, which indicates the employee's own exposure to asbestos fibers.

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee

shall also be timely notified of the corrective action being taken.

(j) *Medical examinations*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records*—(i) *Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) *Access.* The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

[39 FR 23502, June 27, 1974, as amended at 41 FR 11505, Mar. 19, 1976]

APPENDIX B

Some products suggested for trial in asbestos handling and removal. These have not been evaluated in performance tests by SRI; they are suggested for evaluation only, and mention of specific products is made only for the purpose of informing GSA of the range of products available.

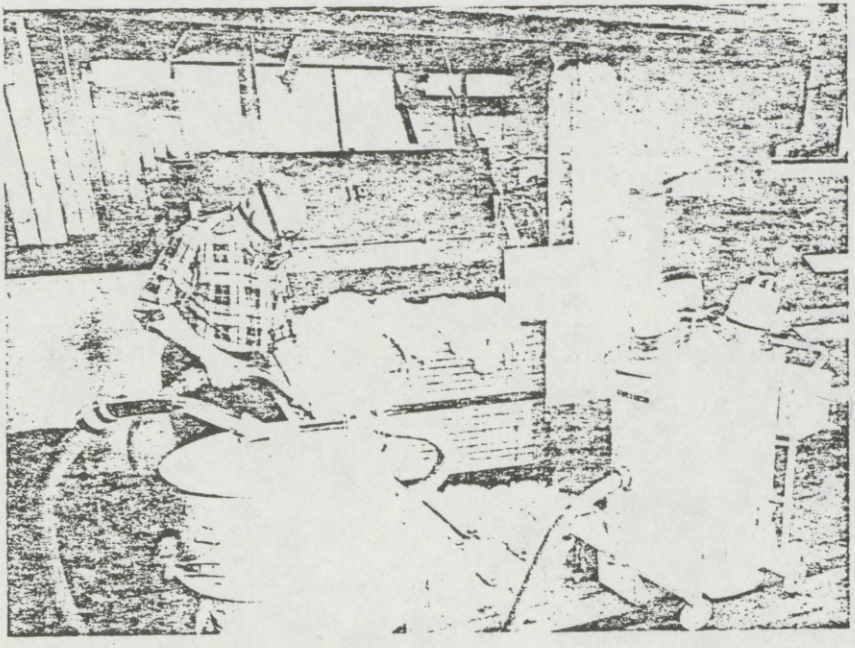
April 1976

ASBESTOS

Devoted to the international Asbestos Industry

—Featuring—

The Nilfisk GA73 Vacuum Cleaner



THE NILFISK GA73 VACUUM CLEANER

Based on data submitted by R. S. Magdelain, Nilfisk of America, Inc., Washington, D. C.

Virtually every plant, laboratory or warehouse which handles asbestos in its variety of forms has a central dust collection system which plays an important part in the effort to comply with federal, local and corporate environmental regulations. These systems comprise the backbone of every company's clean air program, and invariably represent large investments. Unfortunately, most central dust collection systems do not reach one-hundred percent of the dust-creating activities in the building. Further, with air sample test standards becoming more stringent, what was an adequate dust control system two years ago may have become inadequate by now. The solution many firms have turned to is the portable vacuum cleaner.

The Nilfisk Model GA 73 vacuum cleaner, manufactured in Copenhagen, Denmark, by A/S Fisker & Nielsen, and sold and serviced in more than fifty countries, has found wide acceptance in the Asbestos Industry because of its exclusive combination of durability, versatility and adaptability.

It was designed for sustained heavy-duty cleanup of large amounts of dust and debris. Despite its large recovery capacity of 1⅓ bushels, the GA 73's narrow width permits its use in restricted areas. It stands 40" high and is 32" long. It weighs 135 pounds without accessories, but large rubber wheels make it easy for an individual to move it about with one hand.

The GA 73 is powered by three Nilfisk GAE 110-volt or 220-volt, heavy-duty universal motors. They move approximately 235 cubic feet of air per minute through the standard 2" orifice. With this tri-motor arrangement, there is little danger of excessive amperage surge at startup. These motors drop into cavities in the container top, and can be removed for service by simply loosening two clips. In some areas, exchange motor arrangements can be made. In many plants, noise level tests are made as part of the overall environmental program. With decibel readings in the low seventies on the A-scale, the GA 73 can scarcely be heard in a factory environment.

An oversize cloth filter bag having 15 square feet of filter area resists clogging even under conditions of sustained operation and

THE COVER: Nilfisk Model GA 73 vacuum cleaner in use at an asbestos textile manufacturing facility.

NILFISK VACUUM CLEANER—CONTINUED

large amounts of fine dust. An exclusive system of steel hoops (shown in the cutaway below) attached to the bag allows the operator to shake the filter free of fine dust and clinging debris, while retaining the dust in the hermetically-sealed container and avoiding exposure to the dust collected within the machine. Periodic agitation of the filter greatly reduces loss of efficiency caused by filter clogging.

In asbestos processing, clog-resistance is only one aspect of filtration. A vacuum cleaner must also be capable of retaining whatever material it recovers without discharging it in its exhaust



CUTAWAY OF THE NILFISK GA73 VACUUM CLEANER

stream. Therefore, a second filter consisting of a felt motor cover is available. This microfilter, when installed on each of the three motors, is capable of an average retention efficiency of 99.5% down to a particle size of 2 microns.

A third filter has recently been developed to retain 99.97% of all dust down to the 0.3-0.5 micron particle size range. This exhaust-filter screws into the exhaust port of each motor, and will retain even the dust created by normal carbon brush deterioration. A leading U.S. processor of asbestos recently obtained air sample tests indicating significantly fewer than 0.5 fiber per cubic centimeter present in the exhaust air of the GA 73.

To empty the GA 73, the operator turns off the motors, shakes the filter agitating handle on the top of the machine and

waits a moment for the fine dust to settle in the container. Then, using his toe, he raises the pedal bar at the rear of the machine, allowing the dust container to drop gently to the floor and away from the motor-filter housing. The housing is wheeled away from its position above the collected debris, and the dust container is ready for emptying, thereby eliminating the need to lift the heavy motor assembly off the container.

Many plants are lining the containers of their GA 73 machines with heavy-gauge, polyethylene liners and are disposing of the waste in a completely dust-free manner.

There are more than fifty accessories in 1½" or 2" hose diameters from which to choose. When equipped with a fixed floor nozzle (see cutaway) the GA 73 will clean a 30"-wide swath in open areas on wood or concrete floors, at walking speed. When not in use, the fixed floor nozzle is hung on the machine, thus reducing unnecessary abrasion of its working surfaces. For less-accessible floor areas (between machines, pallets, supporting columns, etc.), wheeled floor nozzles are generally used with a hose and wand 2" in diameter. The smaller 1½"-diameter wands and accessories are used primarily in overhead cleaning situations where light weight becomes important. In either case, ball-joint swivel connectors at three points in the hose-wand assembly eliminate typical hose-cracking problems. Protection rings can be placed on the hoses to prevent wear when they are dragged along rough, irregular floors.

For equipment and machinery cleaning, a variety of rubber cones and other nozzle shapes are available. For overhead cleaning of pipes, walls, joists and lights, light-weight aluminum or etronite extension wands are employed.

These are used in conjunction with flat nozzles for beams, joists, vents and walls, and half-moon-shaped nozzles for pipes and round beams. Nozzles with serrated edges are used for heavy dust accumulations. Brushes are best suited for clinging, oily or sticky overhead dust. A 90°-angle joint allows the operator to reach dust which has settled on the top of pipes, beams and vents and which is not easily accessible. To keep all accessories close at hand, an accessory storage box can be hung from the handle at the rear of the machine.

In plants of the Asbestos Industry, Nilfisk GA 73 vacuum cleaners are performing in almost every department from raw material storage to end-product shipping. Their ability to handle coarse trimmings as well as the finest dusts makes them valuable adjuncts to central collection systems in meeting the most stringent clean air requirements.

—Reprinted from April 1976 ASBESTOS—

WEDCO PRODUCTS

TECHNICAL BULLETIN

WEDBESTOS SEALER
Vinyl Acrylic Copolymer Emulsion

GENERAL: Wedbestos Sealer is a water reducible vinyl acrylic copolymer emulsion formulated specifically for application over sprayed fireproofing and sound insulating materials. Wedbestos Sealer, when applied over these materials, forms a clear (or colored, if desired), tough, and very flexible film. This tough film effectively protects the soft fireproofing from damage due to abrasion, water erosion, and high air velocities. It also allows easier cleaning of these soft surfaces without the danger of brushing off or disturbing the fibers. Wedbestos Sealer does not contain asbestos or any other noxious or toxic substance. It is not toxic nor flammable during application, and is rated as self-extinguishing after it is dry.

USES: Clear or colored protective sealer over Spraycraft, Spraydon, Cafco, and Monokote type fireproofing and sound insulating materials. Also over Monotherm and other cellulosic type thermal insulating materials.

Excellent also as a water resistant reinforcing, self-extinguishing coating over duck, canvas, fiberglass screen, etc.

Application

Allow the fireproofing or insulation material to dry thoroughly before applying Wedbestos Sealer.

Dilute Wedbestos Sealer with clean tap water, approximately ¼ gallon water to one gallon Sealer, and apply by air spray, airless spray, or Hudson type garden sprayer. Apply at a rate of 200 to 250 square feet per gallon, when only light surface coats are desired. Apply at a rate of 100 to 150 square feet per gallon when medium coats are desired, and apply one coat at 200 to 250 square feet per gallon, and one coat at 150 to 200 square feet per gallon when heavy surface coats are desired. Allow half-hour drying time between coats.

If penetrating & binding applications are desired, with only little surface sealing, dilute Wedbestos sealer approximately ½ gallon water to one gallon Sealer, and apply at a rate of 200 to 300 square feet per gallon, depending on the porosity and texture of the surface.

Applications over duck, canvas, etc., generally require more dilution than open weave fiberglass screen, for proper penetration, but above dilutions and applications can be used as guidelines.

Physical Properties

Appearance	Milky white
Weight/gallon	8.72#

WEDCO
PRODUCTS

TECHNICAL
BULLETIN

WEDBESTOS SEALER
Vinyl Acrylic Copolymer Emulsion
Page 2

Specific Gravity----------1.045
Ph----------4.74
Solids----------46%
Viscosity----------600 CPS

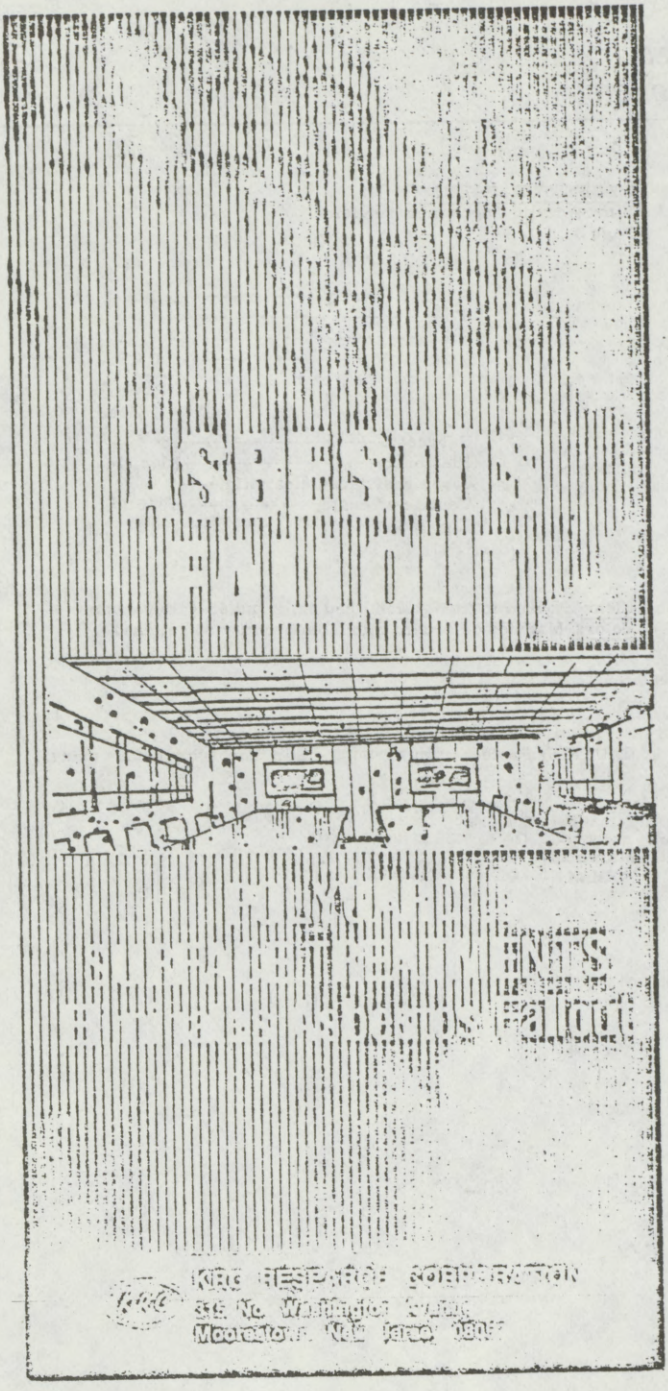
Hardness----------15
Flexibility----------Flexible
Blush resistance clear film----7
Tensile strength----------1025 PSI
Elongation----------380%

Clear-Stocked in five-gallon lined pails and 55-gallon drums.
Colors-Matched on order, minimum quantity 55 gallons.

CAUTION: Protect from freezing. Stir thoroughly before using.

March 1977
MEH:sf

64-401 O - 80 - 27



KRC

POLYGARD 500 E SERIES ASBESTOS TREATMENTS:

A superlative proprietary development in epoxide polymer chemistry exhibiting unusual versatile performances in a variety of composition restructuring. Notable among these is the treatment of failing asbestos fiber surfaces.

POLYGARD 500E ASBESTOS TREATMENTS have been specifically developed as a viable successful alternative to costly physical removal procedures of existing deteriorating asbestos applied substrates. The distinctive performance characteristics of POLYGARD 500E, has and is being confirmed in extensive project installations. Non-toxic, pollution free, a "built-in" fail safe program, laboratory confirmations, system integrity ... these and many more features, assure the long-term outstanding utility of POLYGARD 500E as an affordable economic alternative.

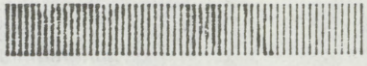
POLYGARD 500E ASBESTOS TREATMENT is a modification of our HYDRO-BAN 500, a two component 100% solids hydrophobic (water resistant) high molecular epoxide system. The modification consist of emulsifying the basic HYDRO-BAN components, RESIN "A" and COREACTANT "B". The resultant combined system is in an aqueous vehicle phase or a water base system. Thus, POLYGARD 500E use does not evidence the sensitization, toxicity, fire or handling problems normally associated with unmodified epoxides or other resin systems. Additional complex modifications integrated into the molecular structure of the POLYGARD 500E SERIES emulsions, provide specific polymeric chains that impart unique characteristics. These enable POLYGARD 500E to function and serve as highly versatile treatment saturants for failing fibrous asbestos substrate compositions.

KRC

Essentially, the POLYGARD 500E ASBESTOS TREATMENT is the restructuring, the consolidating and rigidizing a loose fluffy failing asbestos mass that prevents asbestos fragments and dust fall-out. The POLYGARD specialized treatment's utility and integrity in effecting positive results, stems from the unusual physical and chemical characteristics specifically designed and "built-in" to an applied POLYGARD 500E system.

POLYGARD 500E ASBESTOS TREATMENTS consist of a forceful injection by pressure spray, of the mixed POLYGARD 500E, A and B components. This force saturation spray is further enhanced by the hygroscopic nature of the soft felt-like asbestos, drawing unto and within the recesses, the designed penetrating POLYGARD combined components.

The water vehicle phase of the POLYGARD 500E TREATMENT is then volatilized, evaporated, from the saturated fibrous asbestos mass. The treatment is then repeated to assure maximum polymer deposition and saturation. Upon evaporation of the water phase, the deposited combined POLYGARD 500E polymers permeating the unstructured asbestos mass, polymerize (cure), cohesively and adhesively (lateral and vertical strength), to mechanically and chemically bind the loose fluffy asbestos composition into a waterproof, internal monolithic unbroken tough highly inert mass, securing the total system with an expected long-term permanency.



KRG

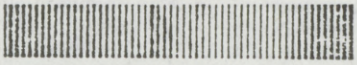
POLYGARD 500E ASBESTOS TREATMENTS are test confirmed at your facility. Technically approved laboratory testing of an applied POLYGARD 500E evaluation area, can be conducted to determine whether Federal and/or State Clean Air Standards of atmosphere asbestos levels are met. Laboratory conducting the test areas is of your own choosing.

We invite your confirmation in the use of this outstanding development.

POLYGARD 500E = ASBESTOS SUBSTRATE TREATMENT:

Features...

1. Complete restructuring and consolidation of the failing asbestos composition.
2. Maintain long-term integrity consistently below Federal Standards relative to clean air levels of airborne asbestos particles and dust. The conditions are confirmed by periodic outside laboratory critical air sampling tests.
3. Safety. No offensive odors, toxicity or fire hazards during applications. The facility does not require prolonged downtime or shut down to disturb occupancy. The POLYGARD 500E polymerized cured resin is essentially toxicologically inert, therefore, presents no health problems from handling or exposures.



4. The installed POLYGARD 500E TREATMENT has little or no effect on the acoustical or noise muting qualities experienced with the previously untreated asbestos.

5. Aesthetic appearances remain unchanged.

6. The POLYGARD 500E polymers exhibit very low M.V.T. Rate (Moisture, Vapor Transmissions). As such, virtually waterproofs the asbestos composition without affecting normal atmosphere pressure transfers (breathing). This condition alone (lack of) added measurably to the failure of the original application of the asbestos.

7. The stiffened leathery toughness and abrasion resistance of the Polygard treated asbestos, discourages vandalism.

8. Polymer protection against microbial and fungal attack.

9. Treated surfaces can be washed, cleaned, coated with pigmented latex paints after cure, if desired. (The latex paint NOW has something to anchor on to!)

10. POLYGARD 500E EMULSIONS contain NO solvents . . is not flammable or toxic.

11. POLYGARD 500E installations are guaranteed. All installations are supervised by technically oriented field engineers.



12. Applied results are monitored for Federal/State regulation adherence by outside technical testing laboratories of client's choosing.

13. Finally . . . an important feature of safety . . . FIRE! In the POLYGARD 500E TREATMENT of the total asbestos mass, the non-flammability of the asbestos is preserved! The POLYGARD 500E injected resin treatment is self-extinguishing and does not contribute to any fire hazards, during or after treatment.

KRC

Write for information to:

KRC RESEARCH CORPORATION

315 No. Washington Avenue
Moorestown, New Jersey 08057

or Phone:

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Nothing like it

UNDER THE SUN



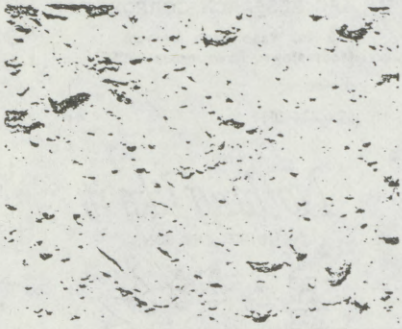
Cafco® coatings and adhesives

weather-shield C/F

- ABRASION RESISTANT COATING
- ASBESTOS—FREE
- SPRAY—APPLIED

general

CAFCO WEATHER-SHIELD C/F is a temporary "overcoat" used to protect sprayed fire-proofing which may be exposed to rain or inclement weather during construction. It is normally spray-applied at 1/8" (3.2 mm) thickness or less and hardens to a firm, smooth, white texture.



bond-seal

- ADHESIVE
- SEALER
- ASBESTOS—FREE

general

CAFCO Bond-Seal is a clear protective coating that is spray-applied. It is primarily used as an abrasion resistant sealer coating to lock in the fibers of sprayed fire-proofing. However, Bond-Seal may also be used as an adhesive primer for certain spray-fireproofing applications. In addition, Bond-Seal also is recommended in acoustical treatments of gypsum wallboard. It acts as a sealer on gypsum wallboard to prevent the absorptive paper surfaces from becoming soft and peeling away under weight of acoustical treatment.

ua/uses, applications

PROMINENT INSTALLATIONS

Cafco's Fire Resistant Products

United States
Univ. of Alabama Diabetic Hospital, Birmingham, Ala.
U.S. Army Hospital, Huntsville, Ala.
Medical Education Building, S. Birmingham Ala.
Scottsdale Hospital, Scottsdale, Ariz.
Federal Office Bldg., Tucson, Ariz.
Beverly Hills Bank, Beverly Hills, Calif.
City Hall, Long Beach, Calif.
Metro Municipal Car Barns, San Francisco, Calif.
Wells Fargo, San Francisco, Calif.
Santa Ana-Tustin Hospital, Santa Ana, Calif.
Gulfano West, Denver, Colo.
State Farm Insurance Bldg., Evans, Colorado
Norwalk Hospital, Norwalk, Conn.
Washington Plaza, Stamford, Conn.
Eastern Airlines, Miami, Fla.
Disney World, Orlando, Fla.
Peachtree Center, Atlanta, Ga.
Cook County Building, Chicago, Ill.
Motorola International Bldg., Chicago, Ill.
Sears Tower, Chicago, Ill.
Howard County Comm. Hospital, Kokomo, Ind.
Twin Lakes Shopping Center, Wichita, Kansas
Superdome, New Orleans, La.
C & P Telephone, Baltimore, Md.
United States Fidelity & Guaranty, Baltimore, Md.
John Hancock, Boston, Mass.
Yellow Pages Directory Bldg., Lynn, Mass.
New Bedford Vocational Regional School, New Bedford, Mass.
Worcester Center, Worcester, Mass.
Burroughs Corp., Detroit, Michigan
St. Joseph's Hospital, Flint, Mich.
Kresge International, Troy, Michigan
Anaconda Copper, Anaconda, Montana
Horizons Hotel and Casino, Lake Tahoe, Nev.
New Hampshire Fire Ins. Bldg., Manchester, NH
Sayreville Building, Lawrenceville, N.J.
Goldwater Department Store, Albuquerque, N.M.
Playboy Club Hotel, McAfee, New Jersey
New York Thruway Hdq., Albany, N.Y.
Eastern Hills Mall, Clarence, N.Y.
Corfu Hdq., Corfu, N.Y.
World Trade Center, New York City
Columbia, New York City
One Penn Plaza, New York City
New York Telephone, New York City
Museum of New York, Syracuse, N.Y.
R. J. Reynolds Tobacco Co., World Headquarters, Winston-Salem, N.C.
Sears, Columbus, Ohio
Wright Elementary School, Allentown, Pa.
Lehigh University, Bethlehem, Pa.
Girard Trust Co., Philadelphia, Pa.
Philadelphia Electric, Philadelphia, Pa.
I.B.M. Building, Pittsburgh, Pa.
University of Pennsylvania, University Park, Pa.
West Chester College, West Chester, Pa.
Metropolitan Life Insurance Building, Warwick, R.I.
State Farm Insurance Building, Murfreesboro, Tenn.
Post Office Facility, Marlboro, Vt.
Seattle First National Bank, Seattle, Wash.
Raleigh General Hospital, Beckley, West Virginia
J.C. Penney Company, Madison, Wisconsin
Composite Medical Facilities, Warren AFB, Cheyenne, Wyo.

Austria
Sparkassse (bank), Graz

Belgium
World Trade Center 2, Brussels
Manhattan Center, Brussels
Grand Bazar (office buildings), Brussels

Canada
Husky Tower, Calgary, Alberta
Hotel Jonquiere, Jonquiere, Quebec
Hotel Dorbeau, Lac St. Jean, Quebec
University of W. Ontario, London, Ontario
Lakehead University, Thunder Bay, Ontario
C.F.T.O. Television Station, Toronto, Ontario
Martha School, Toronto, Ontario
Toronto Medical Tech. Bldg., Toronto, Ontario
Provincial Building, Charlottetown, P.E.I.

France
Centre Culturel Agora, Evry
Piscine Palinpure, Francorville
Centre Administratif, Nantes Beaujoire
CB21 Tour Generale Assurances, Paris

Ireland
Dublin International Airport, Dublin
Lindyford County Swimming Pool, Leopardstown

Italy
Palazzo Pitoia, Florence
Soc. SNAM PROGETTI, San Donato Milanese
Hotel Jolly, Rome

Luxembourg
Kreditbanka (bank), Luxembourg

The Netherlands
KLM (School Airport), Amsterdam
Hoogovens (factory), Ijmuiden

New Zealand
Auckland International Airport, Auckland
Human Science Block, Auckland
St. Peters College, Auckland
Pastoral House (office building), Wellington

Norway
Aubinsgate Maximum NLH, Oslo
Christiana Arbitrage, Oslo

Sweden
Skeppsbrohuset, Stockholm
Svenska Rayon, Stockholm

Switzerland
Technikum RAPPERSWIL, Rapperswil
Kraftwerk PILATUS (government station), Switzerland
Gebruder SULZER, Winterthur
Autobahnstaette NI, Wuerenlos

West Germany
Sonnidgebaud (employees housing), Aachen
Commerzbank (bank), Frankfurt
Hamburg Ethikumet, Hamburg
Schwimmbad Zentrum I & II, Hannover

CAFCO

ts/technical support

ARCHITECTURAL GUIDE SPECIFICATIONS

1. SCOPE

1.1 Work included
Provide all labor, materials and equipment required for complete installation of all sprayed fireproofing and related work as shown on the drawings or specified herein, and in accordance with all applicable requirements of the Contract Documents.
1.2 Work Not Included
a) If cleaning required.
b) Heating for cold weather applications.
c) Utilities.
1.3 The material and installation shall conform to the building code requirements and all authoritiles having jurisdiction.

2. MATERIALS

2.1 The sprayed fireproofing material shall be CAFCO Fireproofing as manufactured by United States Mineral Products Company in Canada—CAFCO (Canada) Limited.
2.2 The material shall be delivered to the job site in sealed bag, labelled as to application and manufacturer. Materials shall be stored in a dry place.
2.3 Water shall be clean, fresh and free from organic and mineral impurities which would be harmful to the sprayed fireproofing materials.

3. CONTRACTOR

The fireproofing contractor shall be licensed by the manufacturer of the material and be skilled in this type of application. He shall execute all work in accordance with the manufacturer's recommendations.

4. STANDARDS OF PERFORMANCE

4.1 The material shall have been tested by U.L. in accordance with ASTM E-119.
4.2 The material shall contain no asbestos, no free crystalline silica, and no mica.
4.3 Minimum bond strength shall be 20 times the weight of the material.
4.4 The material shall meet or exceed the GSA requirements for air erosion.
4.5 Material shall not crack or delaminate when downward deflection is 1/120 of the span or less.
4.6 Material must meet the requirements of ASTM E-72.
4.7 Material must meet or exceed GSA corrosion resistance requirements.

5. FIELD TESTS

5.1 The architect will select and the owner will pay an independent testing laboratory, to sample and test the fireproofing as applied on the job for the following:
a) thickness c) patching
b) density d) bond strength
5.2 The results of the above tests shall be made available to all parties at the completion of each floor.
5.3 The "Inspection Procedure for Field Applied Sprayed Fire Protection Materials" as published by the Sprayed Mineral Fiber Manufacturers' Association shall be used as a field test guideline.

6. SAMPLES

Representative samples shall be submitted for approval.

7. INSTALLATION

7.1 Application shall be in accordance with U.L. fire test report and Manufacturers' recommendations.
7.2 All surfaces to which sprayed fireproofing will be applied shall be thoroughly free of oil, grease, dirt, loose paint, mill scale or any other matter which would impair bond.
7.3 All surfaces shall be pre-wetted with water, the fireproofing material shall then be sprayed to the required thicknesses. The material is then lightly sprayed with water. Adhesive, tamping, and sealer are only required in special applications.
7.4 All clips, hangers, supports, sleeves are to be installed by others prior to application of the fireproofing material.
7.5 All ducts, piping, conduit, etc. shall be installed after the application of the sprayed fireproofing.
7.6 All patching work required by other trades shall be done by this contractor and paid for by the contractor responsible.
7.7 The contractor shall fully cooperate in the coordination and scheduling of the job.
7.8 Decks shall be sprayed after concrete topping or roofing applications are completed.

8. TEMPERATURE AND WEATHER REQUIREMENTS

The ambient air temperature and the temperature of the substrate shall not be less than 40°F during application and for 24 hours after.
For adverse weather conditions check with manufacturer for application techniques.

9. CLEAN-UP

After completion of each day's work, the contractor shall sweep clean the working area, placing the waste material in suitable bags or containers for removal by others.

cc/ certification

Performance, properties and characteristics of CAFCO products are based on data obtained under controlled test conditions. USM makes no warranties as to performance, properties and characteristics of its products under any variations from such conditions in actual construction. No salesman, representative or employee is empowered to amend or change this provision.

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ee Sweet's General Building Catalog File for UNITED STATES MINERAL PRODUCTS COMPANY, Suprathane Roof Insulations System,

APPENDIX C

Asbestos Sampling and Laboratory Analysis

1. Background

The major goal of the sampling and analysis efforts in this project was to determine, with a sensitivity of 0.002 fibers/ml, whether there was asbestos fiber contamination of the air in the buildings examined; and the degree of that contamination. A secondary goal was to determine the concentration of asbestos in bulk materials in the buildings.

2. Air Sampling Methods

The air samples for this project were taken using portable, battery operated pumps, pulling air at two (2) liters per minute through Millipore Corporation type AA (0.8 um mean pore size) mixed cellulose ester filters, 37 mm diameter. The filters were held in conventional 37 mm plastic cassettes (Millipore Corporation "Aerosol Monitors"), modified as described below. Insofar as possible, sampling was performed as recommended by NIOSH. The special requirements of this project dictated some minor departures from that recommended method.

The filter holders were placed so that the inlet faced into the impinging air stream. Where the air was essentially still (less than 50 feet per minute, as in room air samples) or no consistent direction of air movement could be determined (as for some outside air samples) the filter holder was used "open-faced" with the inlet facing vertically downwards. The air velocity at each sampling was determined with an Alnor "Jr. Velometer" or Thermoanemometer.

a. Pumps and Calibration

Two types of pumps were used; Bendix Corp. Model BDX-44, and Mine Safety Appliances Co. Model G. These pumps were calibrated before use at 1.6, 1.8, 2.0 and 2.2 liters per minute (lpm) using a soap-bubble flowmeter.[2] The built-in rotameter of the pumps was marked at these levels, for flow monitoring during sampling.

The pumps were started at 2 lpm, and the flow rates were checked at 1-2 hour intervals during the sampling period. The flow rate was adjusted to 2 lpm (if it differed) and a note made of the flow rate at the time of checking. The samples were taken over a total period of 8 hours (± 1 hr.) except in a few cases where pump failure dictated shorter sampling times. The total sample flow was calculated by assuming linear change in flow rate with time.

The sample starting time and starting flows, and intermediate and ending flow/time points were used as known points, and it was assumed that flow rates decreased (or increased) linearly from point to point. The average of the flow rates at each consecutive point was taken as a point estimate of the flow over the interval of time between these two points. As an example, one might take a hypothetical sample, that was started at 0800 at 2.0 liters per minute (lpm) was checked at 1000 (and found to be still sampling at 2.0 lpm); had decreased to 1.9 lpm by 1200 (and was readjusted to 2.0 lpm); and fell to 1.8 lpm by 1400, at which time the sampling period ended.

Time	Flow (lpm) Old	Flow (lpm) New	Assumed Average Flow	Intermediate Sampling Volume Since Last Point (liters)	Cumulative Sampling Volume (liters)
0800		2.0		0	0
1000	2.0	2.0	2.0	240	240
1200	1.9	2.0	1.95	234	474
1400	1.8	2.0	1.9	228	702

Thus, the total volume sampled (for this hypothetical case) was 702 liters (0.702 m^3).

b. Filter Holder Modification

Where air stream velocities exceeded ∿50 fpm, samples were taken with the inlet velocity matched (± 20%) to the air stream velocity. This was accomplished by altering the inlet size, while holding the sampling flow rate constant at 2 lpm. The inlet of the sample holder was altered by utilization of plastic (acrylate or butyrate) tubes approximately 1 inch long glued into an Aerosol Monitor cap, that had been bored out to the outside diameter of the tube.

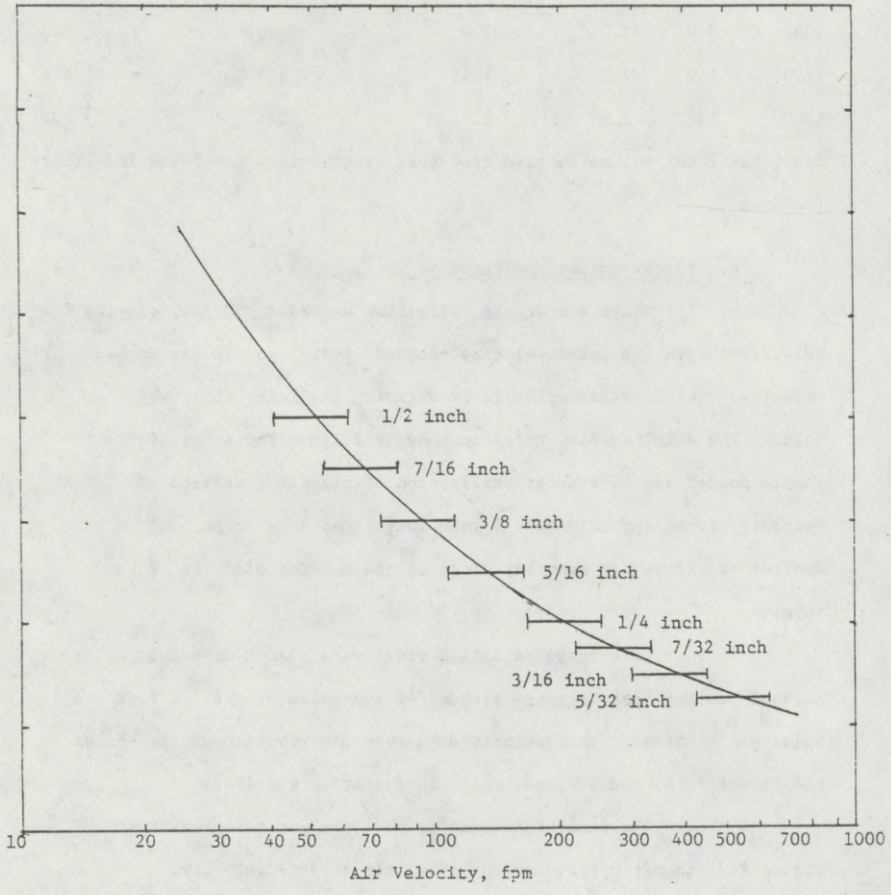
Five extra retaining rings were placed upon the Aerosol Monitor base, so that a plenum for expansion of the jet from the inlet was provided. This permitted an even distribution of air across the filter face, and avoided local concentration of fibers.

The inside diameter of the tube was selected from Figure C-1, to match the duct (or other air stream) velocity.

FIGURE C-1

"Isokinetic" Probes to Match Air Velocity

at 2 Liters Per Minute Flow Rate (± 20%)



3. Air Sample Analysis

Immediately on receipt of samples in the laboratory they were logged in and a record started for each sample. The method of counting was that used by NIOSH as outlined in "Membrane Filter Method for Evaluating Airborne Asbestos Fibers", published in 1973. All sample preparation is carried out in a dust-free hood.

A segment is cut out of each filter and mounted on a glass slide (frosted end; approximately 1 mm thickness), covered with a #1.5 coverglass, using the special mounting medium (12.5 ml diethyloxylate, 12.5 ml dimethylphthalate, 1.25 g millipore filter type AA) described in the method. Mounting tools and slides were cleaned with lens paper prior to each mounting. Each mounted segment was counted after 24 hours, but not later than 2 to 3 days after preparation.

The microscope, a Leitz Ortholux II Pol-BK, is equipped with Periplan GF 10xM eyepieces, one of which contains the Porton reticle required for asbestos counting. Using a 40x objective lens, fibers were counted at a total magnification of 400x. Aligment of the phase condenser and adjustment of the Kohler illumination were checked daily, while calibration of the Porton reticle was ascertained as needed.

The NIOSH method requires that 20 microscopic fields or 100 fibers be counted, whichever comes last; however, not more than 100 fields need be examined for any one slide. It was obvious that 100 fibers could not be counted for any of these samples. Therefore, 100 fields were examined per filter segment.

The counting data were printed on adding machine tape so that the microscopist could concentrate on counting only fibers longer than 5μ and with an aspect ratio >3:1 (length: diameter). Non-asbestos fibers were identified as such, when dimensions and morphology made them obvious.

Concentration was calculated as follows: The Porton reticle was calibrated to measure the area of each field counted as well as the size of the fibers to determine the total area counted for each sample. The fibers per square millimeter were multiplied by the total sample area of the fiber exposed to yield the total number of fibers collected. This number was then corrected for the sampling rate and total sampling time to yield the number concentration of asbestos fibers in the air sampled.

4. Bulk Sample Collection

Two samples of material (suspected of containing asbestos) were taken from each building. A few ounces of material were taken and identified by location and type of material. These samples were placed in plastic bags and sent to the laboratory for analysis.

5. Bulk Sample Analysis

The bulk samples were examined in a two-tiered scheme; they were examined first by transmission electron microscopy for the presence or absence of asbestos fibers; if asbestos was present, the samples were examined by X-ray diffraction for quantitation of the asbestos content.

a. Transmission Electron Microscopy (TEM)

A few grams of the bulk material samples to be examined for asbestos fibers were suspended in a 1% solution of nitrocellulose in amyl acetate and sonicated for 10 minutes to disperse the fibers. Five drops of this dispersion were placed on the surface of distilled water contained in a special metal funnel. A metal disc with holes and a handle rested in the bottom of the funnel, and a glass slide holding a number of electron microscope grids sat on this metal disc.

Following evaporation of the amyl acetate, the metal plate with the slide and grids was lifted by the handle so that the grids were coated with the nitrocellulose film dispersion.

The slide was allowed to dry and the grids were then placed into a vacuum evaporator and coated with carbon to dissipate the heat of the electron beam and protect the sample. A blank control was processed in the same way. The grids were then examined in the Hitachi HU-10 electron microscope at 10,000 x magnification. Photographic plates were made of representative asbestos fibers visualized, and enlarged to give a final print with a total effective magnification of 40,000x.

b. X-Ray Diffraction (XRD)

If asbestos fibers were seen by electron microscopy, the sample was examined by X-Ray Diffraction. The sample was ground to minus 200 mesh, and pressed into a bakelite holder. The XRD analysis was performed on a General Electric XRD-6, using a GE CA-7 Copper Target X-Ray Tube operating at 41 KU and 15 mA). The sample was compared to a

pure sample (UICC standards) of asbestos of the same type (determined by morphology of the fibers seen by TEM). The two major peaks were compared for peak height.

The minimum detectable quantity this analysis is approximately 1% by weight. The sensitivity (minimum discernible difference) is as small as 1% by weight under optimum conditions. A more realistic sensitivity estimate is 20% of the nominal amount detected. Thus, where 5% (by weight) is determined, as little as ~4% or as much as 6% may actually be present in the sample examined. If the nominal amount determined is larger, the upper and lower limits of estimation would be correspondingly larger. For a nominal value of 30% (by weight) the limits would be 36% and 24%; and so forth. This error (a constant coefficient of variation in statistical terms) is the sum of the errors introduced by sample preparation, matrix effects and instrumental error (counting statistics).

Reference: Appendix C

N. A. Leidel, S. G. Bayes and R. D. Zumwalde Membrane Filter Method for Evaluating Airborne Asbestos Fibers, U.S.P.H.S., NIOSH, TR84 (1973)

APPENDIX D

Data Analysis and

Air Sampling Statistics

64-401 O - 80 - 28

The results in the accompanying reports include confidence limits on the stated nominal concentrations reported. This appendix discusses the reasons for including those confidence limits, the assumptions made in calculating them, and the methods for their computation. In addition the methods used in calculation of the "Chi-square" values used in discussion of Tables 9 and 10 are given.

1. Identification of Fibers

It is important to note that identification of asbestos fibers is relatively simple with macroscopic samples that clearly show the fibrous nature and other unique characteristics of these minerals. Positive identification is based on morphology, crystallographic structure, color, hardness, optical properties, and appearance. However, in the case of microscopic samples, positive identification becomes increasingly difficult, even when special microanalytical techniques are used.

Some individual asbestos fibers can be identified by phase-contrast optical microscopy. However, without using electron microscopy it is not always possible to distinguish asbestos fibers from amorphous inorganic fibers (fibrous glass or mineral wool), natural organic fibers of plant or animal origin, or synthetic organic fibers (nylon, orlon, etc.). Moreover, in most monitoring situations the majority of asbestos fibers will be below the resolution of the phase-contrast microscope. Complete characterization and identification of such fibers requires the following information: [1,2]

- Dimensions and morphology
- Electron diffraction pattern
- Elemental composition

For samples (such as community air in this study) for which more than one fiber type cannot be ruled out a priori, obtaining this information is no simple matter. Each fiber must be identified separately by using both the scanning electron microscope (equipped with Energy Dispersive X-Ray Fluorescence for elemental composition) and the transmission electron microscope (equipped with Selected Area Electron Diffraction).

For an uncomplicated membrane filter sample--when only one type of fiber is present, and other particulate material is not excessive--the number and mass of fibers and their size distributions may be obtained for a cost of a few hundred dollars per sample. Costs for a more complex sample may run to several thousand dollars, and the sample may require several weeks for analysis.[3]

Current federal occupational standards define exposure levels in terms of fibers longer than 5 micrometers detected by a method using phase-contrast (optical) microscopy of fibers collected on membrane filters. (The health effects of shorter fibers or fibers of such small diameter that they cannot be detected and counted except by expensive electron microscopy have been discounted in the interests of monitoring cost and convenience.) Size (other than the 5 μm minimum length), shape (other than a minimum 3:1 length:width ratio), mass, and asbestos type are not evaluated.[4] It is in part the limits on resolution of individual fibers that leads to the lack of correlation between electron and optical microscopic counts that has been reported by both Nicholson and Sawyer, among others.

2. Reproducibility of Measurements

Because of the difficulties of measuring asbestos-fiber contamination, the measurement of asbestos in samples of air varies widely both within and among laboratories. Although the phase-contrast microscopic method has been demonstrated to be useful for evaluation of occupational asbestos exposures, and a coefficient of variation (for sampling and analysis) of 22% has been reported for trained technicians, it should be recognized that the variation between results (for reference samples) from experienced and novice microscopists may be twofold for amosite and fourfold for chrysotile.[5] It is also important to recognize that the fraction of fibers in a sample of airborne asbestos that will be visible in using this method will vary by type of asbestos.

Furthermore, one report on careful laboratory work suggests that the coefficient of variation of measurements is not constant, but is inversely proportional to fiber concentration, increasing from 20% at 6 fibers/ml to approximately 55% at 1 fiber/ml.[6]

3. Explanations of Variation

One explanation for this variation may be found in the nature of fiber counting and clarified by the statistics of "rare events." The rate of occurrence of these events is described by the "Poisson" statistical distribution. In order to understand the principles involved, it is necessary to examine the constraints and limitations of the NIOSH phase-contrast microscopic method.

The field of view in which fibers are counted is defined as the left side of the Porton eyepiece reticle. This area (for SRI's microscope) is 64 $\mu m)^2$, about the usual range for acceptable microscopes used for this analysis. The area in one microscopic field is thus 64 x 64 = 4096 μm^2 (4.1×10^{-3} mm^2). The NIOSH method calls for examination of at least 20 fields; if less than 100 fibers have been counted or 100 fields have been examined. The total area of 20 fields is 8.2×10^{-2} mm^2 (8.2×10^{-4} cm^2); for 100 fields it is 4.1×10^{-1} mm^2 (4.1×10^{-3} cm^2).

The air sampling rate is 2.0 liters/minute. An eight-hour sample would thus be 8 x 60 x 2 = 960 liters (9.6×10^5 ml). At a concentration of 0.002 fibers/ml (the desired minimum detectable concentration for this study), the fibers contained in the total volume of air sampled through the filter would be $0.002 \times 9.6 \times 10^5$ = 1.92×10^3 = 1920 fibers. The average exposed area of the usual 37 mm diameter (overall) membrane filters used for sampling is 855 mm^2 (8.55 cm^2). The mean density of fibers on the filter surface will thus be 1920 ÷ 8.55 = 244.6 fibers/cm^2. In 20 microscopic fields, then, one would expect to see 224.6 fibers/cm^2 x 8.2 x 10-^{4} cm^2 = 0.18 fibers. For 100 fields, the expected concentration of 0.002 fibers/ml would lead to an expectation of 0.9 fibers and 0.002 fibers/ml to 1.0 fibers.

Thus, the occurrence of a fiber in a microscopic field is a "rare event", the probability of a fiber appearing is small, if a low concentration of fibers exists in the air sampled. In such cases, the Poisson distribution has been shown to usually be the best description of the rate of occurrence.[7] If care is exercised in sampling and analysis,

the Poisson distribution has been shown to be an adequate description of the distribution of fibers on filters,[6] although not at the low levels considered here. A recent technical note has discussed the implications of the number of particles counted in air samples to confidence limits on the true mean concentration that might be inferred from an apparent mean concentration.[8]

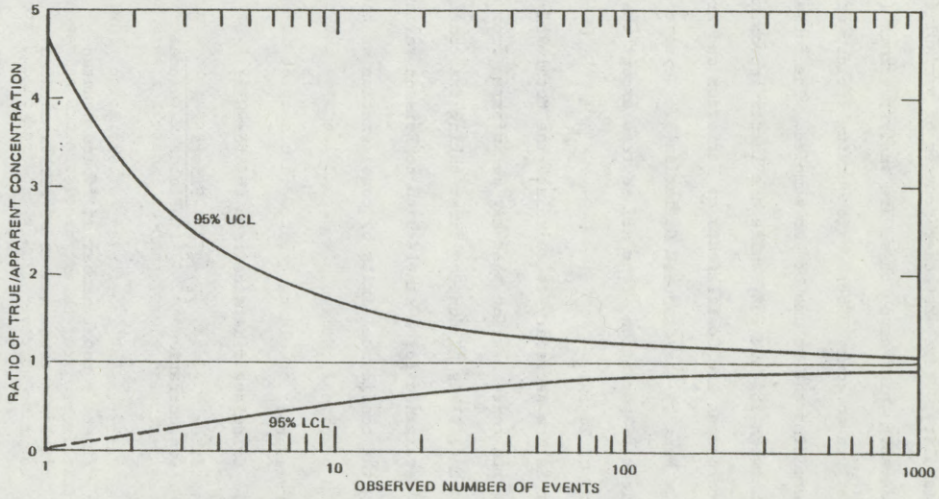
4. Calculating Variability in Air Samples

From Table 4-2 in Reference 7, we have prepared Figure D-1, inwhich we extend the conclusions of Michels down to 1 particle (fiber). In that figure are shown 95% Confidence Limits. These should be interpreted as follows. If an infinite number of samples are taken from concentrations described by the Poisson distribution, then the true concentrations will lie within the 95% confidence limits in 95% of the samples.

In practical terms, this figure leads to the conclusion that more than a few fibers should be counted in a sample, if precise estimation of the probable true air concentration is to be made. This has been recognized by NIOSH, in their most recent recommended asbestos standard. They recommend there, that at least 25 fibers be counted, to maintain an "acceptable" Coefficient of Variation. (Below 20%.)[9]

In this project, however, constraints on resources dictated acceptance of counting whatever fibers appeared in 100 microscopic fields. Thus, it is necessary to take the Poisson variation into account in considering the probable true concentration to be inferred from a given number of fibers counted in a sample. In addition to this

FIGURE D - 1



RATIOS OF PROBABLE RANGES OF TRUE TO APPARENT CONCENTRATIONS FOR A GIVEN NUMBER OF PARTICLES COUNTED: POISSON DISTRIBUTION

source of variability, there are other sources of variability which must be considered. Chief among these are analyst errors (failure to see fibers, failure to count fibers, miscounting fields, etc.) and errors in determining the volume of air sampled. The former has been estimated at between 15% and 30%, while the latter approximates 5%. (The above percentages are Coefficients of Variation and are calculated by dividing the Mean by the Standard Deviation[7]). We have assumed a total coefficient of variation (from all sources except the Poisson counting error) of 26.5%.

It is now necessary to calculate the total 95% confidence limits on the true concentration that may be inferred from a given sample fiber count. This is done by first taking the confidence limits that would be determined for a sample with no Poisson variability, and then expanding the confidence limits by consideration of the Poisson Variability.

Procedure:

1) Calculate fibers/cc from the formula:

$$\text{Fiber Concentration } (f/cc) = \frac{\text{Fibers} \times R}{\text{Fields} \times \text{Volume}}$$

where:

Fibers = total number of fibers counted

Fields = total number of fields counted

$$R = \frac{\text{Effective filter area}}{\text{Area of counting field}} = \frac{855\ mm^2}{4.096 \times 10^{-3}\ mm^2} = 2.09 \times 10^5$$

Volume = (liters) $\times 10^3$ = total sample air volume (ml) = cc

2) Determine the 95% Confidence Limits (for analyst and sampling errors) for fibers counted by multiplying by 1.53 and 0.47 (2 times the assumed coefficient of variation of 0.265).

3) Enter Figure D-2 on the x-scale at the upper and lower "fiber counts" from Step 2; and obtain equivalent values of $n\lambda$ from the abscissa.

4) Recalculate fibers/cc, for a total 95% Confidence Interval.

As an example: Assume a sample inwhich the volume of air sampled was 930 liters, and 7 fibers were seen in 102 fields.

1) $f/cc = \frac{7 \times 2.09 \times 10^5}{102 \times 930 \times 10^3} = 0.0154$ f/cc

2) $7 \times 1.53 = 10.71$ fibers
$7 \times 0.47 = 3.29$ fibers

3) $10.71 \rightarrow 19.5$ fibers (from Figure D-2)
$3.29 \rightarrow 0.75$ fibers

4) $UCL = \frac{19.5 \times 2.09 \times 10^5}{102 \times 930 \times 10^3}$

$\simeq \frac{19.5}{7} \times 0.0154$

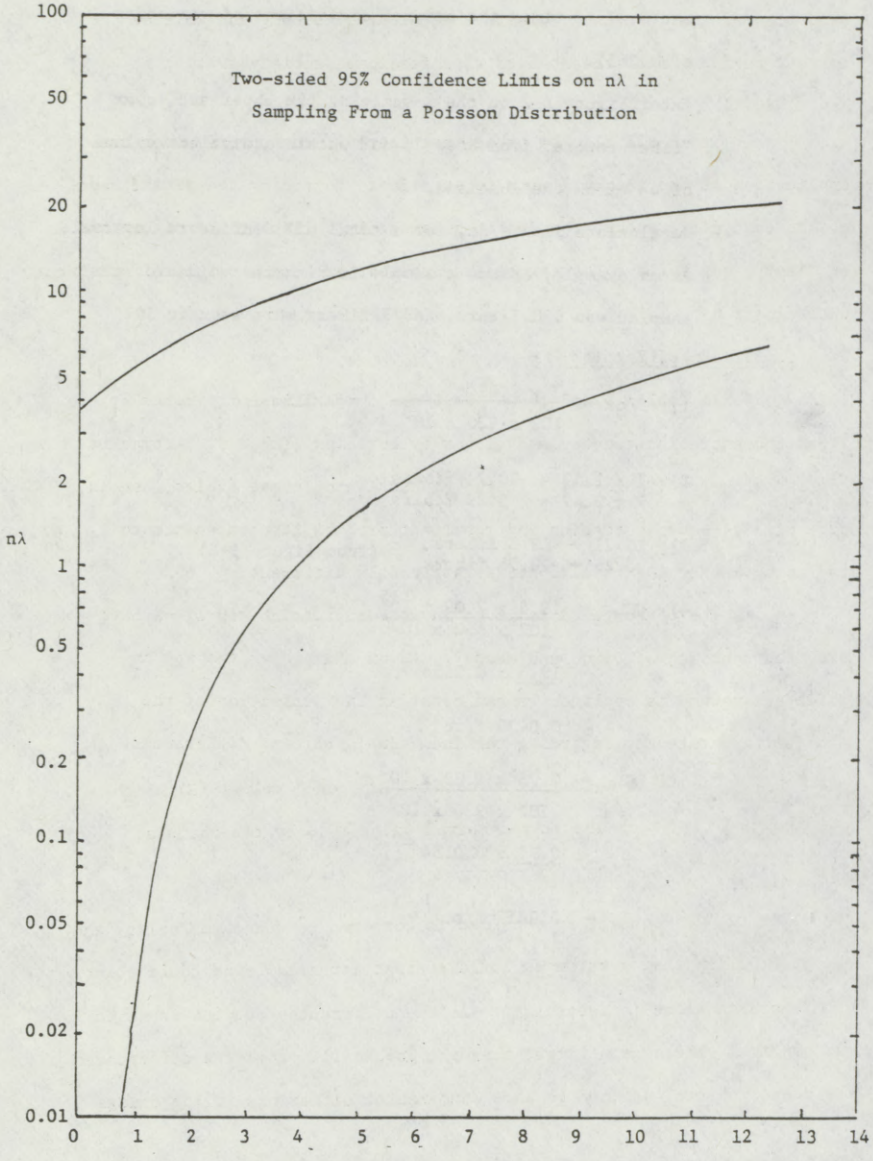
$\simeq 0.0430$ f/cc

$LCL = \frac{0.75 \times 2.09 \times 10^5}{102 \times 930 \times 10^3}$

$\simeq \frac{0.75}{7} \times 0.0154$

$\simeq 0.0017$ f/cc

Figure D-2


Two-sided 95% Confidence Limits on nλ in
Sampling From a Poisson Distribution
nλ
100
50
20
10
5
2
1
0.5
0.2
0.1
0.05
0.02
0.01
0
1
2
3
4
5
6
7
8
9
10
11
12
13
14

It should be noted that this method probably slightly overstates the confidence limits, but has been chosen to give a "conservative" interpretation of the results. This is a developing method, and will be further refined, and presented to a professional society meeting in May, 1978.[10]

It should also be noted that there is controversy over the application of confidence limits to statements regarding the significance of observed differences. We do not necessarily believe that this method is "best", but believe that it can be applied, as here, to initial screening determinations.

5. Comparison of Samples

In Tables 9 and 10 we show some comparisons of samples by fiber concentration ranges, and either by building (Table 9) o type of applied asbestos (Table 10). In the discussion of these tables, use is made of "Chi-square" testing and resultant probability statements to evaluate whether the results are significantly different.

The method used is given in most statistics texts; we have used the approach of Dixon and Massey. As an example of the way in which the method is applied, we can consider the derivation of the probability statement regarding the individual building differences.

The basic method is to obtain "Expected" values (E) which are compared with each actually observed value (O), by the formula:

$$\chi^2 = \Sigma \frac{(O-E)^2}{E}$$

the value of "Chi-square" so obtained is compared to standard tables, and the probability that a value as large as that actually found could occur due to chance alone is determined. As the differences between expected and observed values grow large, then the probability that the differences are due to chance, and not to some fundamental difference in the things

The calculation of the Expected values is as follows. We assume that all of the samples from all of the buildings are drawn from the same "Universe" or "population". The aim of the test is to determine whether that assumption is improbable. Thus, the overall (total) proportion of samples in each concentration range is the best estimate of the expected proportion of samples in the same concentration range for each building.

So, 20 of 73 samples in Table 9 had a concentration of "zero", or $\frac{20}{73} = 0.274$. For the New York Building, then, we would expect (if our initial assumption is true) that (0.274)(11) = 3.01 samples would have concentrations of zero. We would expect the same number for WDC, Cleveland, and Spokane; for Miami and San Francisco we would expect (0.274)(1) = 2.74; while for Denver (0.274)(9) = 2.47 would be expected.

For the concentration range 0 - 0.0030, the population proportion is $\frac{18}{73} = 0.247$, and the expected values for New York, WDC, Cleveland and Spokane are (0.247)(11) = 2.72. Similar methods are applied for the other concentration ranges with the last two ranges combined to avoid expected values less than 1.

Thus, for New York, the value of

$$\Sigma \frac{(O-E)^2}{E} = \frac{(4-3)^2}{3} + \frac{(2-2.7)^2}{2.7} + \frac{(2-2.9)^2}{2.9} + \frac{(3-2.4)^2}{2.4} = 0.94,$$

and the total value for all buildings is 22.57. Comparing this to a table Chi-square values, with 18 "degrees of freedom", we find that the probability of a value as large as this, or larger, is approximately 0.2 and conclude that the differences between these buildings are not great enough to reject our initial assumption that the samples come from the same universe. In simple (although strictly incorrect in theory) terms, the differences are not significant. A statistics text should be consulted for a fuller discussion of this topic, and the constraints on application of this method of analysis. See, for example, references 11 or 12.

References - Appendix D

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Mr. GAYDOS. On behalf of the committee, I do want to thank you for appearing before the committee. I would hope you wouldn't misinterpret some of the questions you have been asked. I compliment you for being very responsive.

I want you to know we appreciate your time. We will be back in touch with you. We hope there will be a free interchange of ideas between your agency and this committee. If you have any complaints, I would like to receive them.

Mr. GALUARDI. We appreciate the opportunity to be here before the committee. I think you treated us fairly and thank you very much.

Mr. GAYDOS. I want to compliment you on the wealth of information that you have brought here. You didn't hesitate to respond to us.

The subcommittee will stand in recess until Monday, September 17, 1979, at 9:30 a.m., at which time the subcommittee will resume oversight hearings on the Federal Mine Safety and Health Act.

Witnesses representing the North Carolina Aggregates Association and the Pennsylvania Aggregates Association will appear at that time.

Until then the committee stands in recess.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

APPENDIX

Further Information Supplied by F. E. Whitfield, Director of Personnel and Training, Federal Aviation Administration

1. WILL SEND IN FOR THE RECORD---COMPARISON OF FAA WITH OTHER FEDERAL AGENCIES-- THEIR OVERALL RATES ARE GOOD.

2. QUESTION #24: IN 1978, 6,600 WORKPLACE INSPECTIONS WERE CONDUCTED. HOW MANY WERE CONDUCTED BY FULL-TIME SAFETY AND HEALTH PERSONNEL?

3. SUBMIT TO RECORD COMPLIANCE WITH OSHA STANDARDS

Question: What are the estimated FAA costs for complying with OSHA standards?

Answer: We have identified an estimated cost of $6.5 million to comply with OSHA standards within agency owned facilities. No cost estimate is available with regard to complying with OSHA requirements in those facilities leased by FAA from local municipalities, etc.

Further, a need for an additional $4.9 million has been identified to install fire detection and suppression equipment in many of our facilities which, while not directly related to OSHA requirements, impacts upon employee and property protection.

Question: What is the accident and injury rate in low risk workplaces within the FAA in comparison to high risk workplaces? Similarly, how does FAA compare with other Government agencies with regard to accident/injury rates in low risk and high risk workplaces?

Answer: As previously indicated in our testimony before the Subcommittee, the FAA does not maintain accident and injury rates broken out by low risk and high risk workplaces. However, we have looked again at FAA data and talked with some of our regional safety representatives. Based on this, we have concluded there is no feasible way to extract the requested information from our records.

Question: Of the 6,600 occupational safety inspections conducted within the FAA in 1978, how many were performed by full-time safety specialists?

Answer: In 1978 approximately 585 safety inspections of the total 6,600 inspections were performed by full time safety specialists or safety engineers. The remaining safety inspections were conducted by designated trained collateral duty inspection personnel. In addition to the 6,600 inspections, 175 extensive occupational health surveys were performed by full time agency industrial hygienists.

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SUBCOMMITTEE ON HEALTH AND SAFETY
B-345A RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

August 10, 1979

Dr. Robert L. Fairman
Deputy Assistant Secretary
for Administration
Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 22509

Dear Dr. Fairman:

During your testimony before the Subcommittee on Health and Safety on July 23, 1979, additional questions arose which, because of the press of time, we were unable to fully explore.

Accordingly, at this time I am enclosing a copy of these questions. I would appreciate your cooperation in responding to them.

Sincerely,

JOSEPH M. GAYDOS
Chairman

JMG:mlc

Dr. Robert L. Fairman
Deputy Assistant Secretary
for Administration
Department of Transportation

1. At one time Mr. William Hefflefinger, the Assistant Secretary for Administration, was the designated Safety and Health Official at the Department of Transportation. When was the decision made to designate the Deputy Assistant Secretary for Administration as the Safety and Health Official?

Why was this change made?

2. Currently, to what extent does the Assistant Secretary for Administration become involved in Department safety and health matters?

3. How long have you functioned as the designated Safety and Health Official for the Department of Transportation?

How much of your time is devoted to safety and health matters?

4. Who is the full-time department safety and health official who reports directly to you?

5. How many full-time safety and health officials (other than in the FAA or Coast Guard) are in the Department of Transportation?

6. How many are located in the various agencies--Railroad Administration, National Highway Traffic Safety, Federal Highway Administration, etc.?

7. Who performs the inspections at these various agencies?

8. How many inspections are performed by collateral duty officers?

9. Who supervises them in this activity? To whom do they report?

10. With respect to the Federal Railroad Administration, I notice that the OSHA manager reports to the Director, Office of Management Systems. What is his relationship to the departmental safety and health officer?

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11. With respect to the various agencies, other than the Coast Guard or FAA, what are the specific safety or health hazards?

12. Do any of the agencies use toxic substances? Which ones?

13. What injuries or illnesses have been reported from these toxic substances?

14. What has been the agencies' and/or department's response?

15. Are workplaces, in fact, inspected at least once a year?

16. How often by full-time safety and health officials?

17. How often by collateral duty personnel?

18. How do you monitor the activities of collateral duty personnel?

19. To whom do they report on safety and health matters?

20. With respect to the annual OSHA effectiveness program, how many field trips to regional and district offices are made each year?

21. What has been the result of these annual evaluations?

22. What changes in workplace conditions resulted?

23. With respect to the automated safety management information system (SMIS), how long has this been in operation?

24. What are the results to date?

How has it contributed to identifying deficiencies and indicating the necessary controls to eliminate the causes of accidents, injuries and illnesses?

25. With respect to the new SMIS computer terminal reporting process, what brought about the change?

26. What do you expect it will accomplish?

27. With respect to the safety and health committees, how often do they meet?

28. What have been some of the specific results of these committees actions?

29. Can you provide an estimate as to the necessary expenditure needed to bring the DOT (excluding FAA and Coast Guard) into compliance with OSHA standards?

****

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

1979 OCT 12 PM 3:16
WASHINGTON OFFICE

Honorable Joseph M. Gaydos
House of Representatives
Washington, D.C. 20515

Dear Mr. Gaydos:

This is in response to your August 10, 1979, letter which forwarded questions which because of the lack of time were not asked during my testimony before your Subcommittee on Health and Safety on July 23, 1979. I apologize for being late with my response and sincerely hope that I have not delayed the very important efforts of your Subcommittee.

I trust the answers will be satisfactory. If additional information or clarification is needed, please contact me on 426-9680 or Mr. Angelo P. Picillo on 426-4243.

Sincerely,

Robert L. Fairman
Deputy Assistant Secretary
for Administration

Enclosure

Response to Questions Addressed
to Dr. Robert L. Fairman from the
Subcommittee on Health and Safety

QUESTION

1. At one time Mr. William Heffelfinger, the Assistant Secretary for Administration, was the designated Safety and Health Official at the Department of Transportation (DOT). When was the decision made to designate the Deputy Assistant Secretary for Administration as the Safety and Health Official? Why was this change made?

ANSWER

Under the direction of the Assistant Secretary for Administration, the Deputy Assistant Secretary for Administration has taken an increasingly active role in safety and health matters over the last 1 1/2 years. Then on June 22, 1979, a notification of designation of the Deputy Assistant Secretary for Administration as the Occupational Safety and Health Official was sent to the Department of Labor. The magnitude of responsibilities assigned the Assistant Secretary for Administration made it necessary to delegate the Occupational Safety and Health function to the Deputy Assistant Secretary. In the Department of Transportation, the Deputy Assistant Secretary for Administration has a sufficient degree of responsibility, authority and stature to adequately fill the position of designated Safety and Health Official.

QUESTION

2. Currently, to what extent does the Assistant Secretary for Administration become involved in Department safety and health matters?

ANSWER

The Assistant Secretary is consulted on major policy decisions regarding Departmental safety and health matters. However as stated above the Deputy Assistant Secretary is the designated Safety and Health Official and has the authority to implement required programs.

QUESTION

3. How long have you functioned as the Designated Safety and Health Official for the Department of Transportation?

How much of your time is devoted to safety and health matters?

ANSWER

Notification of my designation as Occupational Safety and Health Official was sent to the Department of Labor on June 22, 1979. However, I have been active in this capacity for over a year. I currently estimate two to three percent of my time is devoted to safety and health matters.

QUESTION

4. Who is the full-time Department safety and health official who reports directly to you?

ANSWER

Although CFR Part 1960.16(a) expresses the judgment of the Secretary of Labor that the headquarters safety and health staff should report directly and exclusively to the designated official, we do not find this direct and exclusive reporting arrangement necessary in the Department of Transportation (DOT). The occupational safety and health staff is organizationally located in the Facilities Management Division of the Office of Installations and Logistics which reports directly to me. I frequently interface directly with the occupational safety and health staff and they have direct access to me when they believe it is necessary. We are currently recruiting for an Occupational Safety and Health Branch Chief in the Facilities Management Division.

QUESTION

5. How many full-time safety and health officials (other than in the Federal Aviation Administration or Coast Guard) are in the Department of Transportation?

ANSWER

Eleven.

QUESTION

6. How many are located in the various administrations--Railroad Administration, National Highway Traffic Safety, Federal Highway Administration, etc.?

ANSWER

Federal Highway Administration (FHWA)	4
Federal Railroad Administration (FRA)	3
National Highway Traffic Safety Administration (NHTSA)	1
Saint Lawrence Seaway Development Corporation (SLSDC)	1
Research and Special Programs Administration (RSPA)	1
Office of the Secretary, Office of Administrative Operations (OST)	1*

*Currently recruiting for vacant position.

QUESTION

7. Who performs the inspections at these various administrations?

ANSWER

FHWA: The formal occupational safety and health inspections are performed by full-time safety officials and collateral duty safety officers who have completed the Occupational Safety and Health Administration's Institute Course 600-2, (Collateral Duty Course for Other Federal Agencies).

FRA: Both the full-time safety and health officials and collateral duty safety officers in headquarters and the field.

NHTSA: The full-time Safety Manager and the collateral duty safety personnel. NHTSA has collateral duty safety personnel at each of their ten Regional Offices and two field facilities, (i.e., East Liberty, Ohio and San Angelo, Texas).

UMTA: All but three employees are located in urban office environments. The inspections are conducted by collateral duty personnel. If needed, a professional safety official from another administration within DOT will be utilized.

SLSDC: The full-time safety and health official inspects on a continuous basis. Nine staff members inspect monthly as a collateral duty.

RSPA: A full-time safety and health official inspects on a continuous basis at the Transportation Systems Center in Cambridge, Massachusetts. The RSPA headquarters offices are inspected by U.S. Coast Guard personnel.

OST: Inspections will be conducted by the full-time official currently being recruited. In the past, inspections were performed by U.S. Coast Guard personnel or by private contractors.

QUESTION

8. How many inspections are performed by collateral duty officers?

ANSWER

FHWA: The collateral duty safety officers performed 39 OSHA inspections during 1978.

FRA: Sixteen (calendar year 1978).

NHTSA: Each Regional Office has approximately 2,500 square feet of office space and safety inspections are made on a continuing basis by collateral duty safety personnel. Collateral duty safety personnel at the other two field facilities make inspections on a continuing basis.

UMTA: At least 11 inspections were conducted by collateral duty personnel in 1978.

SLSDC: Nine staff members inspect monthly, or 108 collateral inspections.

RSPA: None by collateral duty officers since RSPA has no collateral duty officers.

OST: None by collateral duty officers since OST has no collateral duty officers.

QUESTION

9. Who supervises them (collateral duty officers) in this activity? To whom do they report?

ANSWER

FHWA: Collateral duty safety officers report to and are supervised by (see enclosed organization chart):

Executive Officer	Regions 1, 4, 5, & 9
Regional Administrators	Regions 3, 6, & 7
Director, Office of Construction and Maintenance	Region 8
Director, Office of Federal Highway Projects	Region 10

Reports of inspections are reviewed, and at least one formal inspection made by each collateral duty safety officer is observed by FHWA's professional safety engineer.

FRA: The Regional Directors of Railroad Safety supervise the regional collateral duty officers and the FRA Safety Program Manager supervises the collateral duty safety officers at headquarters.

The regional collateral duty safety officers report to their district supervisors of their Regional Directors of Railroad Safety. The headquarters collateral duty safety officers report to their organizational Directors or Associate Administrators.

NHTSA: The collateral duty personnel report to and are supervised by, their respective Regional Administrator or field facility Director. Guidance, as related to safety management, is provided by the NHTSA Safety Manager.

UMTA: In the regional offices, the collateral duty personnel report to the Regional Director. At headquarters, the collateral duty person reports to the Associate Administrator for Administration.

SLSDC: The collateral duty personnel report to the Resident Manager; however, they are required to make written reports of inspections and these reports are reviewed by the full-time safety and health official.

QUESTION

10. With respect to the Federal Railroad Administration, I notice that the OSHA manager reports to the Director, Office of Management Systems. What is his relationship to the Departmental (FRA) safety and health officer?

ANSWER

The Director, Office of Management Systems reports to the FRA safety and health officer, who is the FRA Associate Administrator for Administration. The OSH Manager reports to the Director, Office of Management Systems for purposes of daily supervision, advice, and direction. However, the OSH Manager has personal, direct, and regular interface with the Associate Administrator for Administration with and through the Director, Office of Management Systems. FRA's austere organizational and staffing structure affords this close program administration.

QUESTION

11. With respect to the various administrations, other than the Coast Guard or FAA, what are the specific safety or health hazards?

ANSWER

FHWA: Specific safety and health hazards are those associated with office work environment, highway and research laboratory work.

FRA: The railroad safety inspectors are exposed to the hazards of the railroad industry, and due to extensive travel requirements the operation of motor vehicles is a hazard of their occupation. Employees of the Transportation Test Center are exposed to the hazards related to testing and research of transportation vehicles and systems. Specific hazards of employees of the Alaska Railroad are primarily relative to manual handling of materials and tripping and falling.

NHTSA: Safety and health hazards for office employees include conditions which could cause trips and falls; poor lighting and improper air circulation; damaged electrical outlets; improper use and overloading of file cabinets and other safety

hazards generally associated with an office type environment. For the East Liberty, Ohio and San Angelo, Texas field facilities, the safety and health hazards are those usually associated with laboratory and shop functions involved in physical testing of motor vehicles and items of motor vehicle equipment; such as inadequate safeguards and procedures, the use of shop tools, the operation of internal combustion engines, the control of energy sources such as compressed air and cutting and welding gases, etc.

UMTA: All but three employees are located in urban office environments. Accordingly for all practical purposes the UMTA employees are exposed to the hazards associated with office environments.

SLSDC: The hazards range from those of an office to those of an industrial environment. A unique situation is the requirement for repair and maintenance construction during the most severe winter months while the locks are inoperative. The winter conditions magnify the hazards usually associated with construction.

RSPA and OST: Most employees are located in an urban office environment. There is minor shop support activity for some employees of RSPA at the Transportation Systems Center, Cambridge, Massachusetts. Accordingly the exposure to office environment hazards is the primary source of employee injuries.

QUESTION

12. Do any of the administrations use toxic substances? Which ones?

ANSWER

FHWA: See enclosed list.

FRA: See enclosed list entitled Toxic Substance Used on the Alaska Railroad.

NHTSA: The Vehicle Research and Test Center at East Liberty, Ohio works with approved industrial solvents to clean grease and oil, with brake fluid and to a small degree with paints.

OST: A contractor is currently inspecting the Departmental print shop. The identification of toxic substances used, if any, will be in the final report. If a significant use of toxic substances is identified this information will be provided at a later date.

QUESTIONS 13 and 14 combined.

13. What injuries or illnesses have been reported from these toxic substances?

14. What has been the administrations' and/or Department's response?

FHWA: In 1978 and 1979, six injuries from toxic substances were reported. These six injuries were as follows:

Number	General Description
1	Employee received burns from acid.
1	Employee's lungs were irritated from vapors of solox (methanol).
2	Chemicals splashed in employees eyes.
2	Dermatitis from exposure to trichloroethylene and diesel fuel.

No illnesses have been reported as a result of the use of toxic chemicals.

The FHWA's response concerning any incident involving any toxic substance is to assure that the system (man, machine, environment and management) where the substance was used, is analyzed to correct deficiencies to prevent further accidents. All similar systems are checked and adjusted if necessary. Usually, the Regions make the system review and the Headquarters safety professional makes the follow-up review to assure that corrective action has been taken.

FRA: One injury was reported in calendar year 1978. A laborer received creosote burns to both wrists and hands while unloading ties from a gondola.

Two injuries were reported to date in calendar year 1979:

1. A locomotive mechanic received a chemical burn to the inside of his right leg while cleaning locomotive parts. The employees had been instructed that should some of the solution spill on them, it should be washed off immediately. The mechanic did not do this. Also, the employee did not make use of the rubber apron available for this protection.

2. A carpenter's helper inhaled a toxic vapor while cutting H piling under a dock.

FRA's response was as follows:

Regarding the creosote burns, a neutralizing cream, which has been effective in preventing such burns, was not being used. No further burns have resulted since implementation of the neutralizing cream procedure.

Regarding the chemical burn, the ARR/OSH Safety Committee is evaluating whether a type of rubber coat and pants may provide better protection.

NHTSA: Two minor injuries (one occurrence) have involved brake fluid splashed onto the face, requiring eye treatment to control discomfort.

The response to the brake fluid minor injury was a restatement of the safe procedure when bleeding vehicle brakes and renewed emphasis on the importance of eye protection.

QUESTION

15. Are workplaces, in fact, inspected at least once a year?

ANSWER

Yes, and in most cases more often.

QUESTIONS 16 and 17 Combined.

16. How often by full-time safety and health officials?

17. How often by collateral duty personnel?

ANSWERS

FHWA: Full-time safety and health officials made 54 formal inspections in 1978.

Collateral duty personnel made 39 formal OSH inspections.

FRA: The Transportation Test Center and Alaska Railroad are inspected annually by full-time safety and health officials. The region and district facilities (mostly offices) are inspected annually by collateral duty personnel.

NHTSA: The Vehicle Research and Test Center and the Washington Headquarters are inspected at least annually by the NHTSA Safety Manager.

UMTA: Since the physical space is so small and is entirely office space, UMTA does not have a full-time safety and health official. A collateral duty inspection is conducted at least once a year. Professional assistance would be requested in a serious situation.

SLSDC: The full-time safety and health official inspects on a continuous basis and all areas are inspected at least annually. Collateral duty inspections are made monthly and a written report is required. The full-time official reviews the reports of the collateral duty inspection.

RSPA: An inspection is made twice a year by the full-time safety and health official. In addition he inspects on a continuous basis. No collateral duty inspections are required.

OST: A full-time safety and health official is being recruited and will conduct annual inspections. Past inspections were made by U.S. Coast Guard personnel. No collateral duty inspections are performed.

QUESTIONS 18 and 19 Combined.

18. How do you monitor the activities of collateral duty personnel?

19. To whom do they report on safety and health matters?

ANSWER

From a Departmental level the evaluation of the activities of collateral duty personnel in the administrations is included in the overall annual evaluation of their OSHA program. The method of monitoring collateral duty personnel and point of reporting in each of the agencies is as follows.

FHWA: Activities of collateral duty personnel are evaluated annually by FHWA's professional safety engineer. The safety program of each collateral duty safety officer is evaluated in each of the principal safety program areas.

The professional full-time and collateral duty safety officers report safety and health matters to the officers as reflected by the enclosed organization chart, and as stated in the answer to question 9.

FRA: The collateral duty inspectors are monitored through reports sent to headquarters by field personnel and meetings held at headquarters.

They report to the FRA Safety Program Manager by telephone and correspondence, with copies of correspondence to their organizational directors.

NHTSA: The collateral duty personnel are monitored through annual visits to the Vehicle Research and Test Center by the full-time safety officer and at other locations by telephone and written communication. The collateral duty personnel in the regions' field report to the Regional Administrator or field facility Director.

UMTA: Most of the contacts with our regional officers are handled by telephone. All regional collateral duty safety personnel report directly to the Regional Director, who in turn, reports to the UMTA Safety Coordinator.

SLSDC: The collateral duty personnel are monitored by the full-time safety official through meetings and written reports of inspection which they make monthly and are reviewed by the safety official. The collateral duty safety personnel report to the Resident Manager.

QUESTION

20. With respect to the annual OSHA effectiveness program, how many field trips to regional and district offices are made each year?

ANSWER

The Departmental level staff budget usually provides for approximately 15 trips per year. The trip activities of the administrations are as follows:

FHWA: The headquarters professional safety engineer makes ten field trips per year to evaluate each regions' safety program. He also observes each Regional safety officer conduct a Division safety program evaluation and inspection.

FRA: The headquarters safety officer evaluates the Transportation Test Center and the Alaska Railroad at least once a year. The Regional safety personnel evaluate the Districts at least once each year.

NHTSA: A set number of inspection trips has not been established. The Vehicle Research and Test Center (VRTC) was given a safety evaluation in August 1977 and no significant noncompliances were identified. The VRTC is scheduled to be reviewed again during calendar year 1979.

UMTA: There are no trips planned to our regional offices specifically for a safety inspection. However, the UMTA Safety Coordinator does conduct a safety inspection whenever other duties of his position require a visit to a regional office. During the month of August, he was in our Philadelphia Region on a grievance matter and was able to conduct a safety inspection of the regional office. Last year, all our regional offices west of the Mississippi were visited by a safety and health official of the Office of the Secretary and he conducted safety

inspections of the offices visited. In the coming year, the UMTA Safety Coordinator may be required to visit regional offices to conduct briefings in connection with the implementation of the Civil Service Reform Act. He would then conduct a safety inspection.

QUESTIONS 21 and 22 Combined.

21. What has been the result of these annual evaluations?

22. What changes in workplace conditions resulted?

ANSWER

The Departmental level evaluations resulted in recommendations which upgraded programs of the administrations in the areas of training and facilities designs which resulted in numerous eliminations of unsafe conditions. The evaluation results of the administrations are as follows:

FHWA: The results of the annual evaluations have been to:

a. Obtain greater compliance with safety requirements of 29 CFR 1960, the Department, and FHWA safety program requirements.

b. Improve FHWA's office and laboratory facilities.

Annual evaluations have helped change the following workplace conditions:

a. Laboratories were renovated to meet minimum safety standards.

b. Direct construction material testing laboratories and offices have been upgraded.

c. Equipment used by direct Federal project personnel has been upgraded.

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FRA: At headquarters, the annual evaluations have resulted in a better understanding of the needs by observing operations and reviewing the cause of accidents firsthand. In the field the evaluations have insured review of some areas that otherwise might not have been evaluated. Also, annual evaluations assisted in confirming the need for abatement funds.

Changes in the workplace which resulted are:

a. Transportation Test Center - A new Accident Prevention and Health Protection Plan was initiated in September 1978.

b. The Alaska Railroad - Additional abatement funds were authorized as a result of an OSH base line inspections.

c. HQ/Region - The personal protective equipment provided by FRA for the railroad Safety Inspectors has improved.

NHTSA: The annual inspections, completed by the NHTSA Safety Manager or collateral duty safety personnel, have achieved:

a. Identification and elimination of actual or potential safety hazards.

b. More rigid compliance with safety requirements of 29 CFR 1960, DOT guidelines and NHTSA safety program requirements.

c. Greater involvement and concern, on a day-to-day basis by all employees, in adhering to policies and procedures which promote the objectives of our safety management program.

Changes in the workplace, where required, were made and have resulted in the elimination of actual or potential safety hazards.

UMTA: The past annual evaluations and safety inspections have not revealed any major safety problems. Minor, potentially hazardous conditions that were discovered and corrected include:

a. Flower pots hanging from the ceiling over work areas which could cause head injuries.

b. Oil on parking garage floors, which increases the potential for individuals slipping and sustaining an injury.

c. Boxes stacked in aisles and hallways, which increase the potential for individuals to trip and sustain an injury.

The evaluation resulted in employees changing their housekeeping habits in order to assure that the hazardous conditions listed above were eliminated.

QUESTIONS 23 and 24 Combined.

23. With respect to the automated Safety Management Information System (SMIS), how long has this been in operation?

24. What are the results to date?

How has it contributed to identifying deficiencies and indicating the necessary controls to eliminate the causes of accidents, injuries and illnesses?

ANSWER

The DOT SMIS has been operational since 1972. While SMIS continues to meet the intent and requirements of the law, the effectiveness of the system is less than what was expected. At the start of the system it was an improvement over the then existing reporting program. As missions and programs changed, SMIS became less effective. Under generalized conditions, it has been effective in identifying deficiencies and indicating the necessary controls to eliminate the cause of accidents and injuries. Through continued evaluation of the system it has become apparent that the present SMIS is not providing the most accurate data concerning injuries and illnesses.

QUESTIONS 25 and 26 Combined.

25. With respect to the new SMIS computer terminal reporting process, what brought about the change?

26. What do you expect it will accomplish?

ANSWER

The new SMIS on-line system is being developed in an effort to stay abreast of the changing programs within the DOT, and to provide safety and health managers with accurate data to assist them in implementing safety and health programs which will, in turn, be effective in reducing injuries, illnesses, and associated costs. The new system will permit the Department to take advantage of the latest developments in computer technology. The new system intends to use an interactive real-time conversational computer program to receive data. Numerous forms and the use of key punch as a media for the computer will be eliminated. A major weakness of the present system is lack of flexibility due to computer program language and use of coded box forms. The present system has had a lack of user acceptability. By contrast, we expect the novelty of being in direct contact with the computer as well as elimination of burdensome paper work will result in an increase of reporting and greater use of the data processing. This new technology will provide the Department with a flexible, efficient, cost-effective SMIS which is expected to meet the Department's needs for many years.

QUESTIONS 27 and 28 Combined.

27. With respect to the safety and health committees, how often do they meet?

28. What have been some of the specific results of these committees' actions?

ANSWER

The Departmental level safety and health committee meets quarterly or as called by the chairman. Committee action results have been to establish training requirements, handle employee complaints and stimulate employee participation in safety and health activities. The committee activity in each of the administrations is as follows:

FHWA: FHWA's total number of safety committees met an aggregate of 104 times in 1978.

The improvement of the physical working conditions is the major result of the committee meetings. Purchase of new or improved equipment has occurred as a result of discussions held in safety committee meetings.

FRA: The committees meet as follows:

Headquarters and Regional - Annually and at the call of the chairman.

Transportation Test Center - As needed.

Alaska Railroad - Monthly.

Specific results of committee action have been:

Headquarters and Regional - These committee meetings have been a contributing factor in keeping the number of accidents at a very low level.

Alaska Railroad - Supervisors and employees meet weekly to discuss any accidents that occurred that week and ways to prevent future accidents of a similar nature. If a solution is not found for preventing reoccurrence of any accidents at these weekly meetings, the accident data in question is then sent to the monthly OSH Safety Committee for review.

The OSH Safety Committee reviews each accident report received from the weekly committee meetings and recommendations are given to the appropriate activity for action. These action items remain on the committee agenda until completed.

NHTSA: The Safety Committee at the headquarters meets at least annually and on call should the need arise. The Vehicle Research and Test Center Safety Committee meets annually. Potential hazards or unsafe conditions are reviewed and agreed to corrective or abatement measures are initiated.

UMTA: Because of the low level of activity, the safety and health committee meets annually.

No specific results have been accomplished except as a management information tool.

SLSDC: The safety and health committee meets monthly and includes office heads and employee representation by the union. The stature of the committee has been a factor in bringing about numerous improvements such as intensive training of crane operators and the installation of a power elevator to improve construction access during severe winter conditions.

RSPA: The safety and health committee of the Transportation Systems Center meets monthly. A revision of the safety manual is underway as a result of committee discussions.

QUESTION

29. Can you provide an estimate as to the necessary expenditure needed to bring the DOT (excluding FAA and USCG) into compliance with OSHA standard?

ANSWER

Approximately $73,835,000 based on: FHWA $235,000; FRA - Alaska Railroad $73,000,000; SLSDC $500,000; and NHTSA - UMTA - OST $100,000. However, in many cases it is difficult to determine how much of the cost is purely due to compliance with OSHA standards when maintenance or replacement is involved. Also, in leased space some of the estimated cost may be General Services Administration expense.

(QUESTION 12) TOXIC SUBSTANCES USED ON THE ALASKA RAILROAD

Product/ Brand Name	Generic Name	Use	Department	Manufacturer/ Company
CRC 5-56	Petroleum Distillate	Rust & Corrosion Inhibitor	Mechanical	
AR Stripper	Caustic Alkali	Cleaner	Mechanical	DuBois
Prime	Unable to determine	Cleaner	Mechanical	DuBois
Perchloroethylene	Perchloroethylene	Degreaser	Mechanical	
Union Solvent	Naphthalene	Cleaner	Mechanical	Union Oil
DuJet	Unable to determine	Steam Cleaner	Mechanical	DuBois
Batteries	Sulphuric Acid		Mechanical	
	Aerogon Gas	Welding	Mechanical	
Dolph's	Polyurethane Red Insulator Cyanate-base	Varnish	Mechanical	
	Phosphoric Hydrite	Cleans tile, porcelain etc.	Throughout the Railroad	
	Chlorine Gas			
	Propane propellants			
	Insulating Varnish mixed with Xylene	Impregnating Tank (pressurized)	Mechanical	
	Freon Gas	Refrigeration	Mechanical	
Basic I	Potassium Hydroxide (Lye)	Liquid Industrial Cleaner	Mechanical	
191		Floor Cleaner-Degreaser	Mechanical	H&E Company (out of business)
Inca Gold	Irritant	Toilets	Mechanical	
DG-19	Paraformaldehyde	Toilets (coaches, engines)	Mechanical	

Attachment 1

Product/ Brand Name	Generic Name	Use	Department	Manufacturer/ Company
Preco Fuel	Alcohol, Methanol	Heating	Mechanical	
JOA 6	Unable to determine	Penetrating Oil/Rust Prevention	Mechanical	DuBois
Cutting Oil	Unable to determine	Grinding & Cutting	Mechanical	Standard Oil
Soluble Oil	Unable to determine	Coolant/Lubricant (mix w/water)	Mechanical	
White Lead		Press Fits	Mechanical	
Non-Flam	Unable to determine	Fire Retardant (to spray bridges)	Engineering	Ocean Coating, Canada
Hyvar X	Bromacil	Weed Killer	Engineering	DuPont
Amizol	Amitrole	Industrial Herbicide Weed Control	Engineering	Amchem Products
Tordon 101	Picloram, 2,4-D	Weed and Brush Killer	Engineering	Dow Chemical
	Trichloroethelene	Electrical Contact Cleaner	Communications	
Nalco 39	Unable to determine	Cleaner for Boilers	Mechanical (Fairbanks)	
PCB	Unable to determine	Coolant in Transformers	Mechanical (Electrical)	
PBC	Unable to determine	Plastic Pipe Adhesive for Joints	Engineering (Bldg./Maintenance)	
	Asbestos (tape)	To keep pipes from freezing	Engineering (Bldg./Maintenance)	
	Asbestos	Roof Treatment	Engineering (Bldg./Maintenance)	
Lacquer Spray Paint	Lead Nitrate		Throughout the Railroad	

Product, Brand Name	Generic Name	Use	Department	Manufacturer/ Company
Lacquer	Propane		Throughout	
Fusees	Sulphur	Signals	Throughout	
Turpentine	Turpentine	Paint Thinner	Throughout	
Fusees	Phosphorus Red	Signals	Throughout	
Sodium Phosphate	Phosphoric Anhydride		Engineering Mechanical	
Thinner, Dope & Lacquer	Nitrate		Throughout	
Ammonium Hydroxide	Ammonium Solution (Aqua Ammonia)	Cleaner	Engineering Mechanical	
Thinner	Paraffins (incl. Naphthenes)		Throughout	Chevron USA
Presto-Logs	Wood Chips, Diesel Oil	For Dining Car	Mechanical	Weyerhauser Lbr.
Liquid Drain	Acid	Drain Cleaner	Engineering	American Plbg.
Coating, Roofing	Asbestos Base		Engineering	DuBois
Solvent	Unable to determine	Cold Cleaning Operation	Engineering Mechanical	
Solvent	Tetrachloroethylene	Dry Cleaning	Mechanical	
Cleaner, Windshield	Methanol/Alcohol	Cleaning Compound and Antifreeze for Automobile Windshield Washers	Engineering Mechanical	
Pine-Oil Liquid Soap	Anhydrous Ammonia	Disinfectant	Engineering Mechanical	
ABC Cleaning Chemical	Unable to determine	Cleaner	Mechanical	DuBois

Product, Brand Name	Generic Name	Use	Department	Manufacturer/ Company
Creosote		Wood Preservative	Engineering Communications	
Expedite Chemical	Unable to determine			DuBois
Zolv	Unable to determine	Chemical Cleaner	Mechanical	
Actusol Solvent	Unable to determine	Oil, Grease and Soil Solvent		DuBois
Thinner	Xylene, Napa Base			Van Waters & Rogers
Anchor Lube	Unknown	Lubricating milling tools	Mechanical	Unknown

UNITED STATES GOVERNMENT
Memorandum

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Region 8

DATE: May 7, 1979

SUBJECT: Chemical Substances

In reply refer to: HFM-08

FROM : Chief, Materials Division
Office of Federal Highway Projects
Denver, Colorado 80225

TO : Mr. James H. Pobst
Safety Manager
Denver, Colorado 80225

Reference is made to your memorandum dated April 5, 1979. The following is a listing of the chemicals on hand in the Regional Materials Laboratory.

Room 106 - Chemical Testing

4	- Pints	- Sulfuric Acid (1 pt-each)
8#	- Bottle	- Phosphoric Acid (1/2-bottle)
4#	- Bottle	- Ammonium Hydroxide (1/3-full)
6#	- Bottle	- Hydrochloric Acid (1/5-bottle)
3#	- Bottles	- Talc (3-bottles of 1# each)
1#	- Bottle	- Sodium Hydroxide Crystals
1#	- Bottle	- Potassium Dichromate Crystals (1/6-full)
1/4#	- Bottle	- Silver Nitrate Crystals (1/2-full)
1/4#	- Bottle	- Cobaltons Chloride Crystals (1/3-full)
1/4#	- Bottle	- Benzidine (2/3-full)
1/4#	- Bottle	- Ferrous Ammonium Sulfate Crystals (1/3-full)
1/4#	- Bottle	- Diphenylamine Crystals
1#	- Bottle	- Calcium Chloride Crystals (1/4-full)
1#	- Bottle	- Sodium Carbonated Monohydrate (1/2-full)

Room 107 - Oil Testing

1	- Can	- 1 lb. Purified Asbestos) - long fiber
4	- Gallons	- Trichloroethylene (1-gal bottles)
1	- Gallon	- Ethylene Glycol (1-gal)
1	- Gallon	- Glycerin (1-gal)
1	- Pound	- Sodium Oleate (powder)
1	- Pound	- Talc
1	- Pound	- Potassium Dichromate
1	- Pound	- Barium Chloride (crystal)
5	- Pounds	- Mercury

Room 108 - Bituminous Extraction

9	- Gallons	- Denatured Alcohol
1	- Gallon	- Acetone
1	- Gallon	- Xylene
5	- Gallons	- Isopropyl Alcohol

Room 111 - Bituminous Mix Design

20 - Gallons - Asphalt Cement
1 - Quarts - SAE #10 Motor Oil
1 - Pound - Ammonium Carbonate
1 - Pound - Sodium Carbonate
3 - Bottles - Anti-Strip Chemicals
2 - Quarts - Mineral Oil
3 - Pints - Trichoroethane

Room 112 - Concrete Mix Design

5 - Gallons - Zinc Chloride (in solution)
1/2 - Pound - Sodium Hydroxide
50 - Pounds - Hydrated Zinc
25 - Pounds - Sulfur Capping Compound
2 - Pounds - Aluminum Powder
300 - Pounds - Portland Cement
1 - Quart - Protex Air Entraining Agent
1 - Quart - Protex Water Reducing Agent
1 - Gallon - Protex Caring Compound

Room 113 - Soils & Aggregates

1 - Pint - Trichloroethane
10 - Pounds - Sodium Sulfate
1 - Pint - Buffer Solution
50 - Grains - Benzidine
3-1/2 - Gallons - Sand Equivalent Stock Solution

Room 115 - Wash Tests

1 - Pound - Barium Chloride

Room 117 - Storage Room

25 - Pound - Sodium Sulfate

Room 118 - Breakdown Room

3-2 oz. - Bottles - Nitrate Hydrochloric Acid

If we can be of any further assistance please advise.

James R. Bishop

James R. Bishop

UNITED STATES GOVERNMENT
Memorandum

DEPAR FI — TRANSPORTATION ADMINISTRATION

18, 1978

SUBJECT: List of Chemical Agents Use at FHRS — 1

FROM: Chairman, FHRS Occupational Safety Committee

TO: Mr. Bernard P. Landry
Chief, Occupational Safety Staff

The following list of chemical agents used at FHRS has been compiled per your telephone request. The list is shown by each division as supplied.

Custodial Services Section

Varsol
Paint Thinner
Wasp Spray with Seven
Insecticide aerosol
Synergized Pyrethrin

Engineering Services Division

Fluoborate plating solution
Hydrochloric acid (20.5 H_2O wt.)
Sulfuric acid (98% - 66 Deg.)
Sulfuri chromate - "Circuit Etch"
1,1,1, Trichloroethane
Ferric chloride
Oakite (paint and resist stripper)
Isopropyl alcohol
Cellulose nitrate - lacquer thinner
Trichloroethylene
Varsol
Ethyl alcohol
Acetone

Materials Division

Nitric acid
Hydrochloric acid
Hydrofluoric acid
Sulfuric acid
Ammonium hydroxide
Sodium hydroxide
Calcium hydroxide (6% in H O)
Chromic acid
Potassium Dichromate (10% in H O)
N-Butyl Acetate
Isopropyl Acetate
Benzene
Carbon Disulfide
Methylene chloride
Trichloroethylene
Pentane
Ethyl alcohol
Methyl alcohol
Isopropanol
Propanol
Acetone
Mineral spirits

Materials Division - continued

Boric acid
Buffers (H O)
Per chloric acid
Butanol
Xylene
Toluene
Petroleum ether
Alkanox (soap) (2% in H O)
Pentyl Acetate
Butyl Alcohol
Tetrahydrofuran
Dioxane
Cellosolve
Stoddard's solvent
Maphthalene
37 N. sulfuric acid
Conc. sulfuric acid
Heptane
Hexane
Methyl ethyl ketone
Methyl methacrylate monomer
Hydrochloric acid
Methyl Isobutyl Ketone
Super High Flash Naptha
Chloroform
Acetylnitrite
Trimethylpentone
Paint pigments
Paints

Structures and Applied Mechanics Division

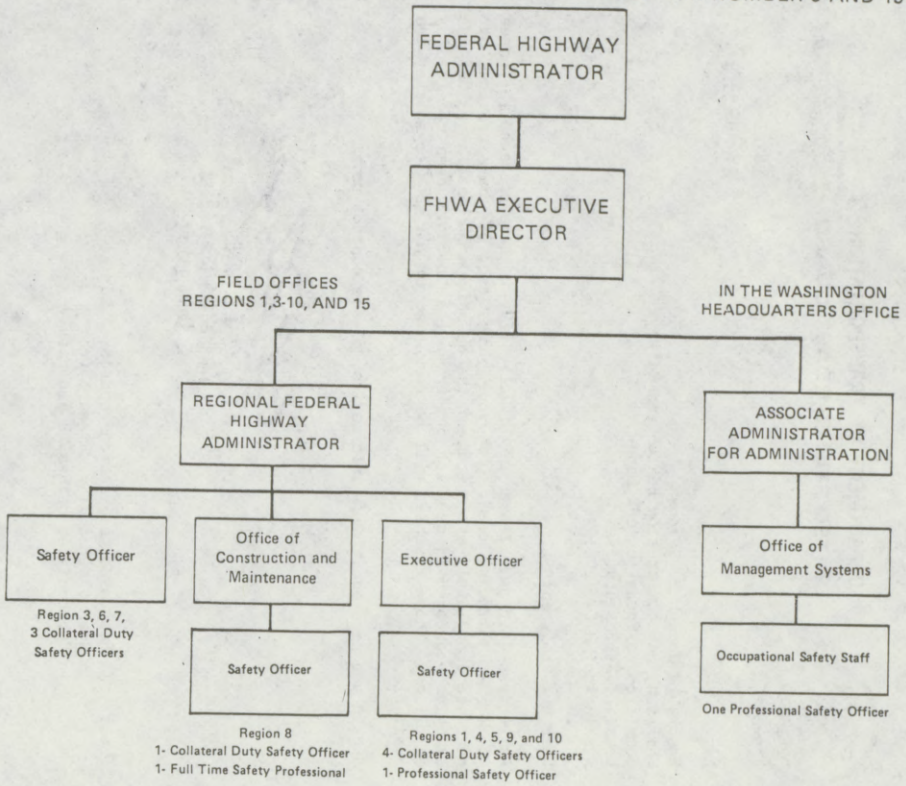
Sulfur
Solvents
Cements (Eastman 910)
Acetone
Alcohols
Hydraulic Oil
Paints
Cleaners (spray can dye penetrants and developer)
Stress coat laquer
Ultrasonic bath oil

Traffic Systems Division

Ozuim (deodorizer)
3M desk cleaner
Insecticide, aerosol
Welsh wasp spray
Woodlett cleaner
Synergized pyrethrin

R. C. Lavigne

THIS ORGANIZATIONAL DIAGRAM ANSWERS QUESTION NUMBER 9 AND 19



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD
WASHINGTON, D.C. 20590
PHONE: 426-4280

(G-CC/104)

5830
29 AUG 1979

Honorable Joseph M. Gaydos
Chairman, Subcommittee on Health and Safety
Committee on Education and Labor
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As requested in your letter of 18 July 1979, we have prepared responses to the questions enclosed. For your convenience, we have provided our response immediately after each of the questions. Please note that the examples requested in question number 48 have not yet been received by my office. Those examples will be forwarded to you as soon as they are available.

Should you need additional information, please contact us.

Sincerely,

J. B. HAYES
Admiral, U.S. Coast Guard
Commandant

Encl: (1) Responses to Questions addressed to
Rear Admiral J. P. Stewart from
Subcommittee on Health and Safety

Responses to Questions addressed to
Rear Admiral J. P. STEWART
from Subcommittee on
Health and Safety

Q. 1. What particular problems involving repair of Coast Guard vessels exist which are not covered by OSHA standards?

A. The basic provisions of 29 CFR Part 1915 apply to repair of Coast Guard vessels. However, the Coast Guard has expanded these standards in certain areas to give them greater depth. Specific examples are: drydocking/undocking procedures; precautions while in drydock; firefighting procedures; specific equipment procedures, such as ordnance; and gas-free engineering. These standards are contained in the Naval Ship's Technical Manual as amended by the Coast Guard's Naval Engineering Manual, and are followed by the Coast Guard in areas where 29 CFR 1915 does not apply.

Q. 2 Would you describe the current procedure followed by the Coast Guard in removing asbestos from vessels?

A. Coast Guard procedures for removing asbestos from vessels are described in Attachment (A), Commandant Instruction 6260.10.

Q. 3. How long has this procedure been in effect?

A. The document has been in the field for about four to six months; however it has become official only in the past month. COMDTINST 6260.10 supersedes several other procedures covering asbestos removal which are included as Attachments (B), (C), and (D). Attachments (B) and (C) were used as general guidance throughout the Coast Guard and Attachment (B) was referenced in our Civil Engineering Manual. Attachment (D) are procedures which were used only at the Coast Guard Yard, Curtis Bay, MD.

Q. 4. Is the Coast Guard removing asbestos from vessels only during regular maintenance or does the Coast Guard have a program to remove asbestos from ships whenever and wherever acceptable substitute material is available?

Enclosure (1)

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4. A. The CG policy for asbestos removal from vessels is stated in section 4.e. of Attachment (A). Deteriorated insulation is repaired rather than removed unless damage is severe or unless insulation has become ineffective. However, with two exceptions, the use of new asbestos-containing materials is prohibited in accordance with Section 4.b.(1) of Attachment (A).

Q. 5. Has the Coast Guard compared their Safety and Health Programs with those in effect both in private shipyards as well as U. S. Navy Yards? What variations, discrepancies, or diversities exist?

A. (1) Private Yards. Approximately 74% of Coast Guard cutters are repaired in private yards. The safety and health programs at these yards vary from very good to poor. The majority of these yards do not have full-time safety professionals on their payroll. The contracts for all repairs require the yards to comply with OSHA standards. In comparison, the Coast Guard Yard has a full-time safety staff tasked with ensuring compliance not only with the OSHA standards but also with the requirements of the Naval Ship's Technical Manual, as amended by the Coast Guard Naval Engineering Manual. We feel that the safety and health program in effect at the Coast Guard Yard is considerably better than that found at the majority of the private yards used by the Coast Guard.

(2) U. S. Navy Yards. Approximately 3% of Coast Guard cutters are repaired at USN Yards. Their safety and health effort is based, in general, on the same standards followed by the Coast Guard Yard. There has been no effort to compare the programs.

Q. 6. Does the Coast Guard conduct repair and maintenance operations of its aircraft only at Elizabeth City, North Carolina (other than minor maintenance that can be performed at each air installation), or does it subcontract any of its aircraft repair and maintenance to private firms?

A. One hundred thirty-six Coast Guard aircraft receive major overhaul and repair at Elizabeth City, NC. Our twenty-five C-130's are repaired and maintained through contractual arrangements with the Air Force. The few remaining craft are repaired and maintained by private firms on a limited basis.

Q. 7. With respect to the Elizabeth City, North Carolina, installation, what work, if any, is performed by uniformed personnel?

A. Uniformed personnel not only provide supply and administrative support but also work in the aircraft overhaul line and component repair shops. Furthermore, they function as quality assurance inspectors for all functions at the repair facility.

Q. 8. The Subcommittee has received information concerning a problem involving the use of toxic substances at the Hill Air Force Base. To what extent is there a liaison and interchange of information with the U. S. Air Force with respect to aircraft repair?

A. We have not communicated with the Air Force on this problem. However, there is an Interservice Support Agreement in effect with the Air Force which provides for the interchange of technical knowledge for common aircraft operated by both services (HH-3F and HS-130). We do have a comprehensive industrial hygiene study of air stations scheduled for FY80 and the results of that study will be shared with the Air Force.

Q. 9. What other toxic substances does the Coast Guard use?

A. A general list of categories of toxic materials used in the Coast Guard is included as Attachment (E).

Q. 10. With respect to the laboratories operated by the Coast Guard, what toxic substances and/or materials are used?

A. Our most extensive laboratory operation supports the Coast Guard oil analysis (fingerprinting) program developed to identify particular sources of oil pollution. These 40 or more small labs use limited amounts of several moderately toxic solvents, such as cyclohexane, acetic acid, hexane and methyl alcohol.

Q. 11. What safeguards are taken to protect employees?

11. A. At the inception of the oil analysis lab program, lab design and operational requirements were developed to minimize risk to employees. For example, lab design conforms to all applicable design codes, including NFPA and applicable portions of OSHA. Procedures for lab operation address the potential hazards associated with the chemicals used and require handling of these materials only under a properly ventilated exhaust fume hood. Prior to being assigned to a lab, workers attend a training course where the safety and health requirements of their job are emphasized as part of their oil analysis functional requirements.

Q. 12. Has the Coast Guard conducted a scientific inventory to identify the toxic or dangerous substances used in the work place?

A. The Coast Guard has conducted a hazardous substances inventory at our two major industrial installations, the Coast Guard Yard, Curtis Bay, MD, and the Aircraft Repair and Supply Center, Elizabeth City, NC. Data sheets are available for most materials used. It is a requirement of our Occupational Health Program that these inventories be taken wherever hazardous materials are used and that data sheets be provided. In FY80, we will initiate industrial hygiene studies of industrial installations on a priority basis and we will develop a current inventory of hazardous materials as part of this project.

Q. 13. What other duties do collateral duty personnel perform?

A. (1) Shore Facilities. Collateral duty personnel are usually warrant officers or lieutenant commanders in the engineering (or public works) facilities operating under the engineering division of the Command. Engineering facilities are primarily tasked with performing maintenance.

(2) Vessels. The Executive Officer is usually the collateral duty safety officer. This is set forth in the Coast Guard Organization Manual, CG-229. The Executive Officer usually employs a junior officer to assist him with his safety and occupational health responsibilities.

(3) Aircraft. All units which operate aircraft have at least one Coast Guard aviator as flight safety officer. Whenever practicable, this officer is a graduate of an approved Aviation Safety Officer's course. At aviation units with 20 or more pilots assigned, the flight safety officer is not assigned additional major collateral duties. At units with less than 20 pilots assigned, the assignment of additional collateral duties to the flight safety officer is kept to a minimum. The flight safety officer is a member of the Station Safety Board and the Aircraft Accident Analysis Board.

Q. 14. Are they required to submit reports on all health and safety matters or do they have some discretion in this matter?

A. Collateral duty personnel are required to follow the same reporting procedures as full-time Safety and Occupational Health Managers.

Q. 15. Have all these collateral duty safety officers received safety training?

A. At Coast Guard units, the collateral duty safety officer responsibility is assigned to military personnel. Once a person is so assigned, the command may request specialized safety and occupational health training. This is usually done as soon after appointment as practical. Complete data on exactly how many of these collateral duty personnel have received such training is not available. At shore facilities, as indicated above, these personnel are usually engineers who generally possess a basic knowledge of safety standards. All Flight Safety Officers are provided a minimum of nine weeks of flight and ground safety training.

Q. 16. What procedures are followed with respect to monitoring the activities of these collateral duty personnel at assure (1) that they are fully qualified to carry out their functions, and (2) that they are carrying out their responsibilities?

A. The activities of collateral duty personnel are monitored, primarily by the full-time Safety and Health Managers on the districts staffs. Headquarters personnel also monitor the activities of collateral duty personnel as a part of district and Headquarters unit evaluations and inspections.

Q. 17. Who is responsible for evaluating accident reports?

A. Accident/Occupational Illness reports are evaluated/reviewed by the chain of command, i.e., the Commanding Officer, group commander, Safety and Occupational Health officer or manager, district commander, and Commandant (G-CSP).

Q. 18. I notice that in the work related injury/illness analysis for 1978, it states there was, "No Known Systems Deficiency" but under "Management Corrective Action" it provides, "Establish Systems Deficiency Program". Specifically, what does this mean?

A. The Accident/Occupational Illness Report form attempts to categorize "system deficiencies" (design, maintenance, personnel placements, standards, etc.). The preparer many times fails to recognize or is unable to identify a systems deficiency. Consequently, he will choose "no known systems deficiency." The computer program chooses this element simply because it occurs frequently. The program, in fact, should not choose this data element. It should select one of nineteen systems deficiencies which are positively identified. Under the data base system we are developing for management of our safety and occupational health information, this problem will be eliminated.

Q. 19. Has the Coast Guard undertaken an analysis of the causes of accidents and to determine what may be done to eliminate or at least substantially minimize them?

A. The Department of Transportation provides the Coast Guard with periodic analyses of accident causes as Analysis B from the Safety Management Information System. This data indicates general trends in reported accidents. In addition to this general analysis, several more specific analyses are conducted. Information on existing hazardous conditions is provided by the Safety and Health Hazard Abatement Data System. Data runs are provided to the Civil Engineering Division to help them assess and abate hazardous conditions. An historical review of vessel accidents is being performed to determine major causes so that corrective actions can be taken. All major accidents in the Coast Guard are thoroughly investigated by Accident Analysis Boards. Although these have been conducted for a number of years for aircraft accidents, this analytical procedure has recently been used for a number of vessel accidents and will be used with shore facility accidents and occupational illnesses.

Q. 20. What did such review reveal?

A. The results of the analysis provided by the Safety Management Information System are provided in Analysis B which may be found in the accident data previously provided. The results of the analysis of data

20. A. (cont'd) from the Safety and Health Hazard Abatement Data System identify a number of hazardous conditions which are addressed by incorporating corrective actions into the engineering workload. Results of the analysis of vessel accidents are not yet available. Each Accident Analysis Board prepares a report which includes recommendations for corrective action. Once approved, the organizational elements responsible for implementing the corrective actions are tasked and their progress monitored. The determination of accident causes and corrective action is a major activity within the Safety and Occupational Health Program. Many specific causes are identified and appropriate action is taken to eliminate them.

Q. 21. With respect to uniformed personnel, has the Coast Guard conducted an analysis of accidents, injuries and illnesses annually since 1974?

A. Yes. Military personnel are included in the analysis programs of the Safety Management Information System.

Q. 22. Do these statistics also indicate the substantial increase in the number of compensation claims as experienced by the civilian employees?

A. No. The reporting system is not designed to provide this statistical output for military personnel nor is this data readily available. There is no Continuation of Pay or Workman's Compensation Program for military personnel. Military personnel forced to leave service because of work-related injuries or illnesses would have to be traced through medical boards and then through VA disability programs.

Q. 23. Would you supply the Subcommittee with a breakdown for the period 1974 to date of the funds expended for:

(1) Safety and Health Programs for civilian employees, and

(2) Funds spent to improve safety and health working conditions?

A. The Coast Guard's Safety and Occupational Health Program encompasses all employees, civilian and military. Therefore, it is not possible to isolate funds expended for civilian personnel.

23. A. (cont'd) Program administrative expenditures (less salaries) have been extracted from our Annual Reports and are listed below:

CY1978	Headquarters Expenditures		170,000
	Field Support		319,000
		TOTAL	489,000
CY1977	Headquarters Expenditures		253,000
	Field Support		200,000
		TOTAL	453,000
CY1976	Headquarters Expenditures		265,300
		TOTAL	265,000
CY1975	Headquarters Expenditures		53,000
		TOTAL	53,000

Funding for abatement of hazards is provided through the Office of Engineering and includes both correction of existing hazards (OG43 expenditures) and specific efforts in new construction for compliance with safety and occupational health standards (AC&I expenditures).

Data for this funding was extracted from Attachment (F) provided by the Office of Engineering's Civil Engineering Division.

	OG 43	AC&I	TOTAL
CY1978	2,821,000	26,798,000	29,619,000
CY1977	4,925,000	64,812,000	69,737,000
CY1976	7,221,000	79,948,000	87,169,000
CY1975		113,349,000	113,349,000

Q. 24. Are the civilian employees of the Coast Guard represented by Federal employee unions?

A. Yes. Approximately 53% (2,887) of Coast Guard civilian employees are represented by Federal unions: American Federation of Government Employees (AFGE), National Association of Government Employees (NAGE) and National Federation of Federal Employees (NFFE). Approximately 26% (1,404) of Coast Guard civilian employees are represented by non-Federal unions: International Association of Fire

24. A. (cont'd) Fighters (IAFF), International Association of Machinists and Aerospace Workers (IAM/AW), Marine Engineers Benevolence Association (MEBA), Metal Trades Council (MTC) and International Brotherhood of Painters and Allied Trades (IBPAT).

Q. 25. Are these pursuant to master agreements or local base agreements?

A. All Coast Guard contracts are local base agreements.

Q. 26. Do these collective bargaining agreements with these employee organizations provide for (1) union representation on safety committees, (2) committee responsibilities and duties defined, (3) union participation in safety and health inspections, (4) employee right to file grievance if required to work in an unsafe place, (5) consultation with union on purchase and specification of safety equipment, (6) safety and health training for employees, (7) periodic physical examination for employees exposed to health hazards?

A. (1) All Coast Guard contracts provide for union representation on safety committees.

(2) Committee responsibilities and duties are most often defined in general terms in Coast Guard contracts.

(3) All unions participate in safety and health inspections.

(4) All employees in the bargaining unit have the right to file a grievance if required to work in an unsafe place.

(5) Management consults with unions on purchase and selections of safety equipment.

(6) All contracts provide for safety and health training for employees.

26. A. (7) In compliance with OSHA, DOT and Coast Guard regulations, periodic physical examination for employees exposed to health hazards is provided whether or not it is addressed in the specific contract. The practice in the field is to give employees pre-employment physicals, fitness for duty examinations and disability retirement examinations in addition to special/hazardous occupation examinations.

Q. 27. How often do these safety committees meet?

A. Safety and health committees are established at the national, district and unit levels. They meet usually monthly or at least once a quarter.

Q. 28. Can you indicate the tangible results of such meetings?

A. The results of such meetings are the focusing of top level attention on the major hazards at a facility. Funds for abatement are often made readily available because of attention directed at a hazard as a result of these meetings. There is also increased awareness of safety and occupational health responsibilities of all those attending the meetings.

Q. 29. With respect to workplace inspections, is, in fact, every workplace inspected at least once a year?

A. We do not have the capability to inspect all work places, however, 860 documented inspections were conducted in 1978.

Q. 30. Are these inspections, in fact, unannounced in advance?

A. Most inspections are unannounced. An exception is generally made for vessel inspections.

Q. 31. Have these inspections at any time uncovered a situation involving imminent danger to the health and safety of employees? What steps were taken?

31. A. Yes. There have been occasions in which imminent danger situations have been discovered during inspections. Whenever this occurs, the Designated Safety and Health Official is immediately notified and a "stop work" order is issued until the hazard is abated, or employees are properly protected.

Q. 32. With respect to the activities of both full-time as well as collateral duty officers, how much time is allocated to performing inspections as compared to performing various administrative functions, such as preparing reports, etc.?

A. Collateral duty officers are to spend 10% of their time performing safety-related duties. Most of this time (80%) would be spent performing inspections. Full-time staffs spend approximately 60% of their time performing inspections and 40% on managerial and administrative tasks.

Q. 33. When do you anticipate the management information system will become operational and what results should ensue therefrom?

A. Much depends on funding. Our goal is to have 26-28 terminals throughout the Coast Guard by the end of FY80. Because it will be necessary to train field personnel in the use of the new system, it probably will not be operational until FY81.

Regarding results, the reporting of accidents will increase. Paperwork and man-hours will be saved. Of major importance, the new safety management information system will hold Coast Guard unit management and specific Coast Guard programs accountable for injuries/illnesses occurring under their area of responsibility.

Q. 34. What is the relationship of the Coast Guard with respect to the Air Force on problems of mutual concern?

A. We have an excellent working relationship with the Air Force, especially the Air Force Safety Center at Norton AFB, CA. In addition to Inter-Service Support Agreements, periodic meetings are held during the year which allow us to exchange essential information related to safety and occupational health and aircraft maintenance.

Q. 35. What is the relationship of the Coast Guard with respect to NIOSH on matters involving industrial hygiene?

A. The Coast Guard relies on NIOSH to provide up-to-date technical and scientific information on occupational health and industrial hygiene. We use this information to alert field personnel to actual or potential problems. We have used NIOSH courses to train our safety personnel and we require our safety and health managers to attend a series of NIOSH courses. We currently use NIOSH time-weighted average exposure limits developed in their criteria documents as Coast Guard exposure standards.

Q. 36. What is the situation with respect to hearing loss claims? Have these increased or decreased or remained the same for the last five years?

A. We do not presently have reliable data on our hearing loss claims. We are confident that the full implementation of our recently promulgated hearing conservation program will make such data readily available in the future. As our hearing conservation program has been going into effect, more people are being protected and this protection will be reflected in the years to come.

Q. 37. How often have Coast Guard employees reported conditions which could or did constitute hazards to personnel or material?

A. Employees have the option of reporting hazardous conditions at the local level or directly to Coast Guard Headquarters, DOT, or DOL. If the hazard is not satisfactorily abated at the local level, the employee may submit the complaint to Coast Guard Headquarters or higher. During CY78, four complaints were submitted above the local level. Data is not available concerning the frequency of such reports at the local level.

Q. 38. What happened to such complaints?

A. When a complaint is received it is investigated by a safety and health professional within five working days to determine if there is indeed a hazardous condition. If such a condition does exist, the normal abatement procedures are followed.

Q. 39. Can you give us specific examples?

A. During CY1978, four employee complaints were received. In each case an immediate investigation was made and identified hazardous conditions were corrected. Those complaints were:

CG Yard - Electrical hazards on crane
Mackinaw - Asbestos hazard during overhaul
CG Yard - Asbestos problems in Building #75
CG Yard - Radiation hazard in electronics shop

During CY1979, one employee complaint has been received to date. It concerned asbestos being used in construction on ships at the Coast Guard Yard. In accordance with our procedures, it has been resolved.

Q. 40. What happens if an employee does not report such condition?

A. Policy and procedures have been established for employees to report known or suspected hazards and employees are encouraged to do so. There are no mechanisms to determine if an employee knows of a hazard and does not report it.

Q. 41. The National Level Safety and Health Committee was established in 1976. What has it done to date?

A. The primary purpose of the Safety and Health Committee is to bring to the attention of top management safety and health problems which have Coast Guard-wide implications. This is presently being accomplished by other boards, such as the Commandant's Aviation and Vessel Safety Boards.

Q. 42. With respect to the Federal Field Safety and Health Councils, the 1978 annual report indicates procedures have not yet been implemented to provide for and promote employee membership and participation in such councils. When will this be accomplished?

A. During the coming year guidance will be given to our field safety and health managers to encourage such participation by informing representatives of labor organizations of the scheduling of meetings and the agendas. This information will be passed through safety and health committee meetings.

Q. 43. What benefits do you anticipate will result?

A. Participation in Federal Field Safety Council meetings by representatives of labor organizations within the Coast Guard should result in their increased awareness of the activities of other Federal agencies in promoting the safety and health of employees. This, in turn, should result in increased participation in, and support of Coast Guard safety and occupational health activities by these labor organizations.

Q. 44. On page 2 of your statement, you state that in 1974 you began to revise your existing program in order to make it more comprehensive, and that "the basic thrust of our effort is to meet the requirements of 29 CFR 1960, as we develop a safety and occupational health program that is completely integrated with, and particularly appropriate to, Coast Guard operations." Could you state specifically what revisions have been made in your program since 1974 to make it meet the requirements and intent of the OSHA regulations and Executive Order.

A. We have based our program on the guidelines set forth in 29 CFR 1960. We have recognized our responsibility for providing safe and healthful places of employment and, in the case of many military personnel, residence. We have accepted, and will continue to rely on, the mandate imposed by 29 CFR 1960, subpart A.

To meet the record keeping and reporting requirements of subpart B, we are assisting the Department of Transportation in developing, as an eventual replacement for the DOT Safety Management Information System, a data base management system that will do two important things. First, it will enable us to quickly and accurately review the comprehensive Coast Guard safety and health record. This will make it easier to fulfill the periodic reporting requirements set for us by the Department of Labor. Second, we will be able to use intelligent terminals in each of our district offices. This means we will get our information from the field quickly and we will also eliminate a 12-page accident report form.

44. A. (cont'd) In response to 29 CFR 1960, subpart C, not only is top management involved in the safety and health program by the appointment of the Chief of Staff, as designated safety and health official, but we also have active safety and health committees at the Headquarters, district and unit levels, as appropriate.

Subpart D sets forth requirements for inspections and abatements and we feel we have made real progress toward meeting those requirements with our comprehensive Headquarters evaluations and the 860 inspections performed in the field by our district safety and health managers during CY 1978. The hazard abatement requirements are dealt with by our Safety and Health Hazard Abatement Data System or SHHADS. Through SHHADS, 1,469 hazards were identified in the Coast Guard in 1978. These are monitored from the moment they are reported until they are abated. In 1978, 631 hazard abatements were documented under the SHHADS system. Our field personnel provide the information and the Headquarters staff manages that data and monitors the field's abatement efforts throughout the Coast Guard.

To meet the requirements of subpart E, we have adopted, as interim standards, 29 CFR 1910, 1914-1918 and 1926, the "OSHA Standards," which have been reprinted and distributed under distinctive red, white and blue Coast Guard covers. These volumes will be superseded by the Coast Guard Safety and Occupational Health Standards, which are currently under development.

We have developed a Training and Education Development plan in response to the requirements of 29 CFR 1960.20. This plan has been approved by the Department of Labor as an appropriate way to satisfy Federal requirements. This Plan calls for the integration of safety and occupational health training into all existing training activities of the Coast Guard. In this way, the safety and health factors of each job will be learned as part of the development of job skills and knowledge. Specialized training will also be provided for personnel in high risk jobs and with specific safety and occupational health responsibilities.

In addition, the Coast Guard's budget item identification process was modified in 1976 to provide for items to be designated as "projects for correction of OSHA standards violations" and "safety/fire/health projects other than OSHA related." Funding anticipated over the next five years for projects specifically identified in these two categories amounts to over $10 million.

Q. 45. On page 5 you state that 1,469 hazards were identified in the Coast Guard in 1978, and 631 hazard abatements were documented in that same year. This means that less than 1/2 of the hazards identified were abated. Do you have any information as to the status of the remaining 838 hazards?

A. Following the procedures outlined in 29 CFR 1960, whenever a hazard is identified which requires more than 30 days to abate, a hazard abatement plan is submitted by the unit. This plan is retained at Headquarters with a copy at the district, which monitors the abatement and requires updates of the abatement plan until the hazard has been corrected.

Q. 46. Would you submit the data on the annual charge-back from the Department of Labor on the F.E.C.A. claims?

A. See Attachment (G).

Q. 47. Would you set forth the particular standards that the Coast Guard have that are not found in OSHA?

A. (1) The environment on board a Coast Guard vessel differs considerably from the working environment generally covered by the OSHA standards. At sea, the vessel is both a working and a living environment, so OSHA work place environment standards are not always adequate. Specific areas where OSHA standards do not apply include:

a. Use of ship's boats
b. Underway replenishment
c. Heavy weather precautions
d. Towing
e. Special precautions for handling gasoline, other flammables and hazardous chemicals
f. Shipboard electrical systems
g. Hazardous radiation
h. Aviation
i. Ordnance

47. A. (cont'd) Safety standards dealing with these areas are contained in the Navy Safety Precautions for Forces Afloat, OPNAVINST 5100.19, which the Coast Guard has adopted as a standard for use onboard Coast Guard vessels.

(2) In the occupational health program there are several major standards not found in OSHA which are listed below and in Attachment (H).

a. Ventilation system design and operating requirements are those found in the Industrial Ventilation Manual published by the American Conference of Governmental Industrial Hygienists (ACGIH).

b. Exposure standards for chemical and physical agents are those listed in the ACGIH publication, "Threshhold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment" or in NIOSH criteria documents, whichever are more stringent, except as otherwise required by Coast Guard directive.

c. Noise exposure standards are based on an eight-hour exposure level of 85 dBA. When exposures exceed this level, employees must be included in a hearing conservation program in accordance with requirements in Attachment (I).

Q. 48. Would you send in examples where GSA has either sent in incorrect material data sheets or has not sent in any at all?

A. Examples of deficient GSA data sheets have been requested from the Coast Guard Yard. These will be forwarded under separate cover. Although GSA claims it is providing the Coast Guard Yard with sheets for all hazardous materials in its system, we frequently find that we lack sheets on products used in our work environments.

NOTE: The DOD, through the Defense Logistics Agency, has developed a computerized hazardous materials inventory system in which the Coast Guard participates. The system provides safety and health information, transportation information and in the future will include disposal information for all Defense Supply Agency managed hazardous materials. The output which we utilize in the Coast Guard is on computer tape or microfiche. This is a significant step in the right direction toward achieving a government-wide materials management system. Since many of these materials not managed by DSA are managed by GSA it is very important to the safety and health community that accurate and complete GSA product data be included in this system. However, at this time the GSA has not seen reason to participate.

64-401 O - 80 - 32

ATTACHMENT (A)

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS: (G-CSP/61)
U.S. COAST GUARD
WASHINGTON, D.C. 20590
PHONE: (202) 426-1883

COMDTINST 6260.10

24 JUL 1979

COMMANDANT INSTRUCTION 6260.10

Subj: Asbestos Exposure Control

Ref: (a) COMDTINST M5100.29 Safety and Occupational Health Manual, Chapter 4
(b) U.S. Department of Labor, Occupational Safety and Health Administration, General Industry - Safety and Health Standards OSHA 2206 (29 CFR 1910.1001) (NOTAL)
(c) COMDTINST 6260.2 Technical Guide: Practices for Respiratory Protection
(d) Industrial Ventilation, A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists, Lansing, Michigan (NOTAL)

1. PURPOSE. This Instruction implements a Coast Guard-wide Asbestos Exposure Control Program in consonance with references (a) and (b).

2. BACKGROUND. Asbestos is a general term used to describe a group of fibrous minerals that do not burn and are excellent thermal insulators. In the past four decades, asbestos has been used for a great number of purposes with two-thirds of all asbestos being used in the construction and shipbuilding industries. Some of the major uses of asbestos are for asbestos cement products, fireproofing, thermal insulation, asbestos cloth, brake lining and various gasket materials. Exposure to airborne asbestos fibers in settings, like the workplace, where they are concentrated, significantly increases the risk of incurring four serious diseases: lung cancer, asbestosis (a progressively debilitating lung disease that impairs breathing and

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A	5		5	5	5	5	1	5	3	3	3	3	3	3	3	3	3	3	3	3	3	3				
B		4	20	3	12	10	4	4	1	1	10	5	3	5	3	1	10	5	3	2	3					
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2. (cont'd) increases the risk of serious illness or death from respiratory infections), mesothelioma (a cancer of the linings of the chest and abdominal cavities) and certain gastro-intestinal cancers such as colon cancer. A long latent period of 10-40 years from first asbestos exposure to the development of the disease is frequently noted.

3. DEFINITIONS. For the purposes of this Instruction, the following definitions shall apply:

   a. Asbestos-free material. Any material containing less than 0.1% asbestos by weight.

   b. Occupationally Exposed to Asbestos. Any individual who, because of employment, is required to enter or work an average of three days per calendar quarter, in areas containing airborne concentrations of asbestos at or above the current working environment exposure limit. Also any individual exposed at any time during the calendar year to airborne concentrations of asbestos at or above ten times (10x) the current working environment exposure limit.

   c. Approved Ventilation Filter. A ventilation air filter having a minimum efficiency of 95% for removing particles as small as one micrometer in size.

   d. Approved Respirator. A respirator which is approved for protection against pneumoconiosis and fibrosis producing dusts, including asbestos dust, by the National Institute for Occupational Safety and Health (NIOSH) in accordance with reference (c).

4. POLICY.

   a. Exposure limits. WHERE POSSIBLE, THE EXPOSURE OF UNPROTECTED COAST GUARD PERSONNEL TO AIRBORNE ASBESTOS SHALL BE PREVENTED. IF IT CANNOT BE PREVENTED, IT SHALL BE CONTROLLED BY THE METHODS PRESCRIBED IN ENCLOSURES (1), (2), (3) AND (4), TO THE EXPOSURE LIMITS GIVEN BELOW:

      (1) Working Environments. Unprotected personnel shall not be exposed to airborne asbestos fiber concentrations in excess of 0.5 fibers longer than five micrometers per cubic centimeter of air (0.5 f/cc) averaged over an eight-hour work day. Unprotected personnel shall never be exposed for any length of time to peak airborne

4. a. (1) (cont'd) asbestos fiber concentrations in excess of five fibers longer than five micrometers per cubic centimeter of air.

(2) Living Environments. Personnel shall not be exposed to airborne asbestos fiber concentrations in excess of 0.1 fibers longer than five micrometers per cubic centimeter of air (0.1 f/cc).

b. Fabrication, Installation and Use Prohibited.

(1) The fabrication, installation or use of new asbestos containing materials is prohibited in the Coast Guard, except where an acceptable substitute does not exist. The following materials do not have acceptable substitutes:

(a) Asbestos brake and clutch linings.

(b) Certain asbestos gasket materials.

(c) The use of other asbestos products for which acceptable substitutes do not exist shall have prior approval of Commandant (G-CSP).

(2) Exposure of personnel to asbestos above the exposure limits during asbestos gasket fabrication and asbestos brake and clutch maintenance work shall be prevented by compliance with the specific work practice controls of enclosure (2).

c. Substitute Materials. Enclosure (5) contains a list of commonly used asbestos materials for which acceptable substitutes are available through the Supply System.

d. Removal or Rip-out Restricted.

(1) NOTE. SCIENTIFIC RESEARCH AND EXPERIENCE HAS SHOWN THAT ASBESTOS REPAIR OPERATIONS AND REMOVAL OR RIP-OUT OPERATIONS CONDUCTED BOTH ABOARD SHIP AND AT SHORE STATIONS, ASBESTOS BRAKE AND CLUTCH MAINTENANCE WORK AND ASBESTOS GASKET FABRICATION WORK WILL MOST LIKELY EXCEED THE WORKING ENVIRONMENT EXPOSURE LIMITS.

(2) Ships: Removal or rip-out of asbestos insulation and other asbestos containing materials shall not be done by ship's force personnel, except during underway casualty repair work which has the approval of the ship's Commanding Officer. Such work shall normally be con-

4. d. (2)(cont'd) ducted at a Coast Guard or contractor shore repair facility by personnel specifically trained in safe removal procedures and the ventilation controls, work practice controls, personal protection controls and environmental monitoring listed in enclosures (1), (2), (3) and (4) shall be followed. Casualty asbestos removal operations shall be directed by a person specifically trained in safe removal procedures. The work practice controls and personal protective controls listed in enclosures (2) and (3) shall be followed.

(3) Shore Stations and Repair Facilities: Removal or rip out of asbestos at Coast Guard shore stations and repair facilities shall be conducted by personnel specifically trained in safe removal procedures. The ventilation controls, work practice controls, personal protective controls and environmental monitoring listed in enclosures (1), (2), (3), and (4) shall be followed.

e. Repair Deteriorated or Damaged Asbestos: Damaged or deteriorated asbestos on Coast Guard ships and shore stations shall be repaired at the earliest opportunity so as to prevent the spread of airborne asbestos contamination. Insulation shall be repaired rather than ripped out or removed unless damage is severe, or unless the insulation has become ineffective. Repairs shall be directed by a person specifically trained in safe repair procedures. The ventilation controls, work practice controls, personnel protective controls and environmental monitoring listed in enclosures (1), (2), (3) and (4) shall be followed.

f. Asbestos Exposure Control Training. Enclosure (6) contains information regarding the availability of training in Asbestos Exposure Control Procedures.

g. Identification.

(1) Asbestos containing material is believed to have been installed on all classes of vessels and on most shore facilities to some degree. Enclosure (5) contains a list of commonly encountered asbestos containing material. Since visual recognition is unreliable, all suspect material shall be considered to be asbestos containing unless known to be otherwise. Suspect materials that are damaged, deteriorated or scheduled for removal, can be analyzed at

4. g. (1) (cont'd) a chemical laboratory using high x-ray diffraction techniques to determine the presence of asbestos prior to repair/rebuilding work.

(2) Following the removal or rip-out of asbestos thermal insulation, the replacement material shall be identified as "asbestos free" by the application of a red undercoat sealer (enclosure (2)). During subsequent rip-out or repair, the ship or repair facility will be able to determine if asbestos or asbestos free insulation is installed by scraping through the exterior paint to determine if a red undercoat is present.

h. Medical Monitoring. Personnel occupationally exposed to asbestos shall be medically monitored.

5. ACTION.

a. District commanders and commanding officers of Headquarters units and the Commander, Coast Guard Activities Europe, shall:

(1) Insure that the policy requirements of this instruction regarding ventilation, work practices, personal protection, environmental monitoring and training are implemented.

(2) Insure that each unit involved in asbestos rip-out or repair work has the required protective equipment available and that such work is conducted under the direct supervision of a person who is trained in asbestos control procedures.

(3) Submit one copy of all asbestos environmental monitoring results together with a brief description of the operation performed and cost of removal/repairs to Commandant (G-CSP).

(4) Insure that the required contract specifications for asbestos work are in compliance with the policy stated in paragraph 4 above.

b. Commanding Officers of vessels shall:

(1) Insure that the policy requirements of this instruction regarding work practices, and personal protection are implemented.

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5. b. (2) Insure that at least one crew member has been trained in asbestos control procedures.

(3) Insure that the required protective equipment is available.

J. P. STEWART
Chief of Staff

Encl: (1) Asbestos Ventilation Controls for Working Environments
(2) Asbestos Work Practice Controls
(3) Asbestos Personal Protective Controls for Working Environments
(4) Asbestos Environmental Monitoring
(5) Frequently Encountered Asbestos Containing Materials
(6) Asbestos Exposure Control Training
(7) Asbestos Protective Equipment List

ENCL. (1) to COMDTINST 6260.10

24 JUL 1979

ASBESTOS VENTILATION CONTROLS FOR WORKING ENVIRONMENTS

1. General Ventilation. All general ventilation systems in areas where asbestos rip-out, removal, or repair operations will be conducted, shall be secured prior to the commencement of operations and shall not be restarted until after clean-up operations have been completed. If necessary, temporary general exhaust ventilation to reduce airborne asbestos concentrations can be provided to these areas by exhausting the air through approved ventilation air filters.

2. Local Exhaust Ventilation. Power operated tools used in asbestos work operations shall be provided with a local exhaust ventilation system. Local exhaust ventilation shall also be provided at the point of airborne fiber generation. All local exhaust ventilation shall exhaust through approved ventilation air filters.

3. Design, Construction and Operation. All asbestos ventilation systems shall be designed, constructed and operated in accordance with criteria specified in reference (d). A routine periodic testing and maintenance schedule shall be conducted on all such equipment to assure system performance in accordance with reference (a).

ENCL. (2) to COMDTINST 6260.

24 JUL 1379

ASBESTOS WORK PRACTICE CONTROLS

1. Asbestos Brake and Clutch Maintenance. Exposure of personnel to asbestos above the working environment exposure limits shall be prevented by using a high efficiency filtered vacuum cleaner (enclosure (7)) equipped with a suction hose with attached brush to remove the asbestos-containing dust from the brake drums, assemblies and clutch assemblies prior to the maintenance work. Personnel engaged in brake or clutch maintenance work shall wear an approved dust filter respirator.

2. Asbestos Gasket Fabrication. The exposure of personnel to asbestos above the working environment exposure limits shall be prevented by equipping the hand operated or power driven tool used to cut the asbestos with an approved filtered exhaust ventilation system. Personnel engaged in asbestos gasket fabrication shall wear an approved dust filter respirator.

3. Segregate Areas. Locations where airborne concentrations of asbestos are likely to exceed the permissible exposure limits shall be posted at the entrances with warning signs and segregated from general use by the use of ropes, dust partitions or other suitable barriers so that unprotected personnel will not inadvertently enter and expose themselves. Only personnel directly engaged in asbestos handling operations shall be allowed within the segregated area.

4. Wet Methods. Insofar as practical, asbestos shall be handled, removed, cut, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the working environment exposure limits.

5. Hand Operated Tools. Power operated tools shall not be used to remove asbestos thermal insulation. Locally exhausted power operated tools may be used in other asbestos work operations, such as the fabrication of asbestos gasket materials.

6. Contain Contamination. Insofar as practical, drop cloths or dust partitions shall be used to prevent or contain the spread of asbestos contamination.

7. Vacuuming or Wet Sweeping. Areas that become contaminated by asbestos insulation scrap and debris shall be vacuum cleaned or shall be wet down before sweeping to assist in the control of asbestos dust. Vacuum cleaners shall be of the high efficiency filtered type (Enclosure (7)).

ENCL. (2) to COMDTINST 6260.10

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8. Waste Handling and Disposal. Asbestos waste, scrap, debris, equipment and asbestos contaminated clothing consigned for disposal shall be collected, wetted, and disposed of in sealed impermeable bags. Such bags shall be affixed with a warning label (Enclosure (7)). Waste asbestos material in bags shall be disposed of by burial under a minimum of two feet of earth at a public landfill operated in accordance with 40 CFR 241. Coordinate with state and local authorities for any special regulation required for the disposal of asbestos materials.

9. Identification.

   a. In place of other control procedures, a red undercoat sealer will be used to identify asbestos-free thermal insulation prior to final painting.

   b. When installing asbestos-free thermal insulation, secure the glass cloth lagging to the insulation substrate with a coat of white adhesive. Apply a sealer coat of red tinted adhesive (Enclosure (7)). Paint the exterior of the lagging in the conventional manner.

ASBESTOS PERSONAL PROTECTIVE CONTROLS FOR WORKING ENVIRONMENTS

1. Respirators. Respirators for asbestos work shall be selected and worn on the following basis:

   a. Ships during casualty repairs requiring asbestos rip-out. An approved type "C" continuous flow supplied air respirator or an approved powered air purifying respirator. (Enclosure (7)).

   b. Shore Units. If the results of enviornmental monitoring indicate that similar type work operations have not exceeded the airborne asbestos working exposure limit by more than ten times (10X), an approved dust filter respirator may be used (Enclosure (7)). If no sampling data is available, or if the sampling data indicates an exposure of more than ten times the limit, an approved type "C" continuous flow supplied air respirator or an approved powered air purifying respirator shall be used.

   c. The removal of ships intact thermal insulation pads will not be considered a normal asbestos removal (rip-out) operation. Personnel engaged in these operations shall be required to wear only an approved dust filter respirator.

   d. In accordance with reference (c), a person shall not be assigned to tasks requiring the use of respirators if, based upon his most recent medical examination, an examining physician determines that the person will be unable to function normally wearing a respirator, or that the safety or health of the person or other personnel will be impaired by his use of a respirator.

   e. When using a supplied-air respirator, proper precautions must be taken to ensure that breathing-quality air is supplied in accordance with requirements in reference (c).

2. Special Clothing. During all asbestos rip-out and repair operations, and during other asbestos operations for which environmental sampling is lacking or the sampling indicates the operation can exceed the asbestos environment working exposure limit, the following special clothing shall be provided and shall be required to be worn: disposable impermeable coveralls, hoods, gloves and foot coverings (Enclosure (7)). Safety glasses with side shields or a full-length face shield shall be worn when full face respirators are not in use.

3. Change Areas. At locations where special clothing is required, a change area shall be provided as close as practical but physically separate from the asbestos work area so that employees may change into their work clothes.

4. Locker and Shower Facilities. At facilities where personnel are occupationally exposed to asbestos, two separate clothes lockers shall be provided to each exposed employee so separated as to prevent contamination of the employee's street clothes from his work clothes. At these facilities showers shall also be made available to the exposed employees, and the employees shall be required to shower before leaving the workplace at the end of the work shift.

ENCL. (4) to COMDTINST 6260.10

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ASBESTOS ENVIRONMENTAL MONITORING.

1. Requirements. Upon identification of any living or working environment where friable asbestos exists or where any asbestos is deteriorated or damaged, air sampling shall be conducted to determine the level of airborne asbestos fibers present. Except during casualty repairs, at each ship or facility where personnel enter, work or live in areas where asbestos concentrations are likely to exceed the permissible exposure limits, air samples shall be collected with such frequency and pattern to represent with reasonable accuracy the actual airborne concentration. Sampling shall not be at intervals greater than six months. SAMPLING SHALL BE CONDUCTED BY OR UNDER THE TECHNICAL SUPERVISION OF A COAST GUARD OR CONTRACT INDUSTRIAL HYGIENIST IN ACCORDANCE WITH REFERENCE (a). In evaluating asbestos exposures in repair or removal operations or other operations where asbestos is handled, samples shall be taken in the workers' breathing zone as well as the general work environment to determine time weighted average and peak exposures. Other exposures such as those in a living area can be evaluated by sampling the general environment only. Records of asbestos environmental monitoring analytical results, building location, origin of asbestos contaminants and costs of removal/repairs shall be maintained at the facility and one copy of all analytical sampling results shall be forwarded to Commandant (G-CSP).

2. Collecting Samples. Samples shall be collected on a 37-mm Millipore type AA filter of 0.8 micrometer porosity or equivalent mounted in an open face holder. When collecting personal samples, the holder shall be fastened to the worker's lapel and air drawn through the filter by means of a battery powered personal sampling pump. To yield a uniform distribution of sample deposit, the filterholder face-cup shall be removed. Sample flow shall be set to approximately 2 liters per minute. Eight hour time-weighted average exposure concentrations shall be determined. The peak or ceiling limit shall be evaluated from the results of several 15 minute samples taken throughout the work shift. Living environment airborne concentrations shall be evaluated from the results of at least one 480 minute sample.

3. Pump Calibration. Prior to the start of sample collection, the pump to be used shall be calibrated by the soap bubble calibration technique using a one-liter calibrated buret. To assure accuracy, the calibration instrument must be connected to the pump following the same sequence of equipment which will be used in the actual sampling procedure. Each pump used must be calibrated separately.

4. Sample Analysis. Samples shall be analyzed using phase contrast microscopy by a laboratory which is a current successful participant in the National Institute for Occupational Safety and Health (NIOSH) Proficiency Analytical Testing (PAT) Program for asbestos.

ENCL. (5) to COMDINST 6260·10

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FREQUENTLY ENCOUNTERED ASBESTOS CONTAINING MATERIALS.

1. Asbestos Thermal Insulation
2. Asbestos Thermal Insulation cement
3. Asbestos spackling, joint cement and wall patching compounds
4. Asbestos cement sheet and siding
5. Asbestos floor tiling
6. Asbestos ceiling tiling
7. Asbestos welding blankets
8. Asbestos cement sprayed on walls, ceilings, and structural supports
9. Ships marinite paneling
10. Asbestos engine exhaust insulation
11. Asbestos sprayed on air distribution ducting
12. Asbestos fire fighting suits
13. Asbestos gloves
14. Asbestos gaskets (certain types have no acceptable substitute)
15. Asbestos valve packing
16. Asbestos brake linings (no acceptable substitute)
17. Asbestos roofing shingles

ENCL. (6) to COMDTINST 6260.10

24 JUL 1979

ASBESTOS EXPOSURE CONTROL TRAINING

1. A one-day training course in asbestos work practice and personal protective controls is given periodically by the Navy Environmental Preventive Medicine Units (EPMU's). Arrangements for inclusion in the course can be made by calling the closest unit directly.

UNIT NO.	LOCATION	FTS	COMMERCIAL
2	Norfolk, VA	954-7671	(804) 444-7671
5	San Diego, CA	897-1261	(714) 235-1261
6	Pearl Harbor, HI	Operator 556-0220 (ask for 474-2173)	(808) 474-2173

ENCL. (7) to COMDTINST 6260.10

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ASBESTOS PROTECTIVE EQUIPMENT LIST.

1. Where possible, the following items were chosen from among those available through the Federal Supply System. Where no federally stocked item is available, open purchase sources are given. The open purchase source list is not meant to be all-encompassing or mandatory and other suppliers of equivalent material are acceptable.

2. Items Required for Repair or Rip-out Work.

   a. Disposable Coverall. Impermeable suit with drawstring hood, elastic wrists and attached non-skid shoes.

Product I. D.	Source
539 tyvek	MELCO 6603 Governor Printz Blvd. Wilmington, Delaware 19809 Tel: 800-441-9749
2126S with attached 2196 hood	DURAFAB P. O. Box 658 Cleburne, TX 76031 Tel: 800-433-1824

   b. Gloves. Surgeons, rubber, sterile, disposable.

Size	NSN
6	6515-00-782-6471
6 1/2	6515-00-782-6472
7	6515-00-782-6473
7 1/2	6515-00-782-6474
8	6515-00-782-6475
8 1/2	6515-00-782-6476

   c. Overshoes, rubber, non-skid.

Size	NSN
Small	8430-00-421-7486
Med	8430-00-421-7487
Large	8430-00-421-7488
X-Large	8430-00-421-7489

ENCL. (7) to COMDTINST 6260.10

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2. d. Breathing Air Respirator System. NIOSH Approved (Select either continuous flow airline or powered air purifying respirator system)

(1) Continuous Flow Airline. Compressor not required if breathing air meets requirements listed in reference (c).

Product I. D.	Source
AABA Breathing Air Compressor (powered by L. P. plant compressor) Use with 1860 respirator and R714-50 Hose (need 2 lengths hose for each respirator and 2 for connecting LP air system to AABA)	Willson Prod. Div. ESB Inc. P. O. Box 622 Reading, PA 19603 Tel: 215-376-6161
P/N605041-02 Breathing Air Compressor (powered by L.P. plant compressor) or 605041 Breathing Air Compressor (powered by 115 or 230 VAC, 60 cycles.) use with 606002-25 respirator and 605020-50 hose (need 1 length for each respirator and 2 lengths for connecting L. P. air system to compressor)	Scott Corp. 275 Erie St. Lancaster, NY 14086 Tel: 716-683-5100

(2) Powered Air Purifying. Compact self-contained filter unit with blower, and rechargeable batteries. No compressor required.

Product I. D.	Source
463355 use with 463284 filters	M. S. A. 600 Penn Center Blvd. Pittsburgh, PA 15235 Tel: 412-273-5000
A-5 Air Purifying Helmet	Racal S. Research Place Rockville, MD 20850 Tel: 301-948-4421

CAUTION: This type of respirator offers no protection against gases or vapors. Do not use in areas containing less than 19% oxygen.

2. e. Impermeable Plastic Bags. For waste disposal.

Size	NSN
19 1/2" x 38" x .0025"	8105-00-655-8286

Prior to use, to be labeled as follows:

CAUTION--CONTAINS ASBESTOS FIBERS--AVOID CREATING DUST--BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM

f. Line. Used to restrict, access, etc.

Size	NSN
1/4" x 200'	9Z 4020-00-240-2164

g. Signs. Used to post area, yellow with black lettering noting:

CAUTION
ASBESTOS
DUST HAZARD
AVOID BREATHING DUST
WEAR ASSIGNED PROTECTIVE EQUIPMENT
DO NOT REMAIN IN AREA UNLESS YOUR WORK REQUIRES IT
BREATHING ASBESTOS DUST MAY BE HAZARDOUS TO YOUR HEALTH

Product ID	Source
NKU-19 (14x20)	Ready Made Sign Co. 12-07 44th Ave. L. I. City, NY 11101 Tel: 212-784-7000
09-901 (14x20)	Direct Safety Co. 60005 Martway, Suite 103 P. O. Box 2994 Shawnee Mission, KA 66201 Tel: 800-255-4416

h. Water Sprayer. Used to wet asbestos.

Product ID	Source
TEK Sprayer No.67132	H. D. Hudson Co. 500 N. Michigan Ave. Chicago, IL 60611

i. Drop Cloth. Laminated vinyl nylon cloth.

Color	Size	NSN
Green	54 inch width	9D-8305-00-351-8346

ENCL. (7) TO COMDTINST 6260.
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2. j. Red tinted adhesive sealer. Products meeting the requirements of MIL-A-3316, Class 1, Grade B

Product ID	Source
50-207	Essex Chemical Corp. 14370 Grannet St. La Mirada, CA 90636
713-(31158)	BFC DIV VIMASCO Corp. P. O. Box 516 Netro, WV 25143
E-165 8-B (Red)	Borden Chemical Co. 56 Nostrand Brooklyn, NY 11205

3. Optional Items.

a. Masking Tape.

Size:	NSN
1 1/2"-2"	7510-00-266-6711

b. Respirator, Dust Filter 3M 8710 Type:

NSN
4240-01-023-2244

c. High Efficiency Vacuum Cleaner. Removes and retains 99.97% of all dust particles down to 0.3 microns in size.

Product ID	
GA70 with Exhaust Filter	NILFISK Box 713 201 King Manor Dr. King of Prussia, PA 19406 Tel: 215-277-3900
JB75AV	Pullman Holt 10702 46th St. Tampa, FL 33617 Tel: 513-971-2223

ATTACHMENT (B)

NAVSEA 0901-LP-635-0000

TABLE 635-1

REPRESENTATIVE THERMAL CONDUCTIVITY

Material	Mean Temp. °F	k
Chrome brick	1652	13.8
Concrete	40	12.0
Copper	32	2190.0
Steel (0.1% carbon)	212	312.0
Rigid ploy urethane foam[1]	50	0.14
Cellular glass[2]	50	0.39
Cork	50	0.32
Calcium silicate	200	0.40
Elastomeric foam[3]	75	0.28
Fibrous glass[4]	75	0.23

[1] 2 lbs/cu ft density
[2] 9 lbs/cu ft density
[3] MIL-P-15280
[4] MIL-I-742

mal conductivity. While increasing the economy of a machinery plant, thermal insulation also reduces the quantity of air necessary for ventilating and cooling requirements and prevents injury of personnel due to burns from contact with hot parts of apparatus. It also ensures more uniform heat distribution within equipment. Another funcition of thermal insulation is to prevent sweating of cold surfaces on which atmospheric moisture condenses, thus causing undesirable dripping as well as accelerated corrosion of the metal. Insulation must be sufficiently effective to reduce heat losses and lower surface temperatures to a degree which will permit habitable conditions in a specific space or compartment.

635-1.13 SAFETY PRECAUTIONS

635-1.14 DUST PRODUCING MATERIALS. Certain mineral dust (especially asbestos) cause pathological changes in the lungs. The damage done is permanent and cumulative with continued exposure. To minimize the hazard caused by airborne particles during the fabrication, installation, repair, and removal of piping and machinery insulation, lagging, and other forms of thermal insulation, precautionary measures must be observed. Thermal and acoustic insulations already installed in ships, whether or not they contain asbestos, should not be removed if they are intact and meet design requirements. Thermal and acoustic insulations containing asbestos become a serious health hazard only when handled during installation or rip-out when dust particles are emitted into the atmosphere. If it becomes necessary to handle asbestos insulations, all safety precautions and procedures as specified herein shall be rigidly observed.

WARNING

Asbestos is recognized as a major health hazard. Inhalation of invisible fibers of this material can lead to serious impairment of health in subsequent years

635-1.15 Asbestos. Asbestos is recognized as a major health hazard. Exposure occurs by inhalation of asbestos fibers produced as a fine dust when asbestos is handled during fabrication, installation, or removal (rip-out) operations. Inhalation of even small amounts of invisible asbestos fibers can lead to serious health impairment. For this reason, it is the policy of the Naval Sea Systems Command (NAVSEA) that asbestos and materials containing asbestos shall not be used in future construction, overhaul, repair, or maintenance of Navy ships where suitable alternative materials are available. Suitable alternative asbestos-free thermal insulation materials have been identified for almost all ship machinery, boiler, and piping insulation uses and are required by MIL-STD-769 and in other sections of this chapter.

1. For many years, asbestos has been used in high temperature machinery, boilers, and piping insulation. Thus, for many years in the future when this isulation is removed, a health hazard will be present. Since it is difficult to identify asbestos in an insulation system, rip-out operations must proceed on the

assumption that asbestos is present unless it is suitably marked or identified as non-asbestos.

2. The occupational health and enviromental protection problems associated with asbestos are contained in Appendices A, B, and C. These appendices provide information and requirements with regard to:

a. Permissible exposure concentration
b. Industrial hygiene control measures
c. Personal protective equipment
d. Method of measuring airborne asbestos concentrations
e. Monitoring of airborne asbestos
f. Caution signs and labels
g. Medical examinations
h. Industrial hygiene technical assistance availability

635-1.16 Fibrous Glass (Asbestos Free). Persons exposed to fibrous glass may experience irritation of the skin, eyes, and upper respiratory tract, particularly upon their initial exposure or if their exposures are infrequent. After being exposed to fibrous glass on a regular basis for one or two weeks, most workers will no longer experience these irritant effects. Limited epidemiological studies of long-term workers in the fibrous glass manufacturing industry have not demonstrated significant health effects in the workers which could be related to fibrous glass exposure. Research in this problem area is continuing. Until this issue is resolved it is considered necessary to require the use of protective dust respirators which are approved by the National Institute of Occupational Safety and Health (NIOSH) or the Mining Enforcement and Safety Administration (MESA) (formerly Bureau of Mines) whenever there is inhalation exposure to fibrous glass.

1. The personnel exposure limit value for airborne uncoated fibrous glass is 10 mg/m^3 for fibers of less than 5-7 micrometers in diameter. Whenever feasible, levels of airborne fibrous glass shall be maintained below the personnel exposure limit value.

2. Respiratory protective devices, such as reusable or single use air purifying respirators, shall be worn whenever the airborne concentration of fibrous glass may exceed the personnel exposure limit or while working with fine or ultrafine glass wool. Respirators shall be required for all rip-out of fibrous glass thermal insulation unless measurements show that the personnel exposure limit is not exceeded. Personnel engaged in fibrous glass sanding or finishing operations which generate large, airborne quantities of fine glass particles shall wear respiratory protection.

3. Safety glasses with side shields, goggles, and face shields (where necessary) shall be worn during rip-out of fibrous glass insulation, when applying fibrous glass material overhead or in any area where there is likelihood that airborne particles may get in the eyes.

4. Personnel occupationally exposed to fibrous glass shall have access to washing facilities with warm water and soap to assist in removal of glass fibers from the skin.

5. Personnel regularly exposed to fibrous glass shall be provided with clean coveralls daily. Fibrous glass contaminated clothing shall be laundered separately from other clothing.

6. Fibrous glass waste and scrap shall be collected and disposed of in a manner which will not result in its dispersal into the atmosphere.

7. Cleanup of fibrous glass dust shall be performed by vacuum or wet cleaning methods.

8. Compressed air shall not be used for cleaning clothes, machinery, or other surfaces.

9. Where fibrous glass materials are machine sawed, die cut, or slit, local exhaust ventilation shall be used to prevent the escape of dust. A filtered power exhaust hood may be used to achieve this objective.

635-1.17 SHIPBOARD REQUIREMENTS. The following is applicable:

1. **Ships in service.** The following precautions shall be observed:

a. Removal (rip-out) of insulation (except for flexible foam insulation not lagged with asbestos cloth) and other asbestos containing materials, shall not be done except in an emergency and upon approval of the ships Commanding Officer. Such emergency operations shall only be performed within the limitations of the procedures prescribed in Appendix A.

b. Prior to shipyard overhaul or pier side repair, rip-out shall be deferred until recommendations are received from an Industrial Hygienist.

c. If rip-out must be accomplished while underway or in cases where the services of an Industrial Hygienist are not available, the procedures described herein shall be observed. An air respirator, continuous flow or pressure demand (see Appendix A, paragraph 635-A.2.2), shall be worn by all personnel that may reasonably be expected to be exposed to the dust.

2. **Tenders, repair ships, and ships having insulation shops.** It is recognized that ventilation, handling, and medical surveillance requirements associated with industrial applications can not all be met at this time. Where possible, the requirements of Appendix A will be met. Whenever possible, arrangements should be made for monitoring the spaces by a shipyard Safety Officer or Industrial Hygienist to determine asbestos levels and protection required. Airborne limits shall be established as safe by sampling. Where this requirement can not be met, respiratory protection as prescribed in Appendix A shall be provided all personnel engaged in asbestos work. Admittance to shops shall be limited to those personnel having a definite need to be in the area.

APPENDIX A. SAFETY REQUIREMENTS FOR INSULATION WORKERS

635-A.1 PERMISSIBLE EXPOSURE LIMITS

1. **Monitoring method.** The maximum Time Weighted Average (TWA) airborne concentration of asbestos fibers to which personnel may be exposed over a specified time interval shall be as specified in paragraphs 2 and 3 herein. The monitoring and measuring method used shall be as set forth in paragraph 635-A.3

2. **Eight-hour exposure limit.** Effective 1 July 1976, the TWA airborne concentration of asbestos fibers to which personnel may be exposed over an eight-hour interval, shall not exceed two fibers, longer than five micrometers, per cubic centimeter of air. Prior to 1 July 1976, during implementation of controls and acquisition of necessary protective equipment, the maximum exposure concentration shall be five fibers longer than five micrometers, per cubic centimeter of air.

3. **Ceiling limit.** Personnel shall not be exposed to airborne concentrations of asbestos in excess of 10 fibers longer than five micrometers, per cubic centimeter of air.

635-A.2 CONTROL MEASURES

1. **Industrial hygiene.** Control measures are prescribed as follows:

a. Permanent and temporary local exhaust ventilation control measures shall be provided equipped with a bag filter to control asbestos dust emissions within the limits stated above. (American National Standards Institute (ANSI) Z9.2-1971 applies.)

b. Asbestos emission from asbestos fabrication, installation, or removal operations shall be prevented by the collection in bag filters of woven cotton fabrics having air flow permeabilities not exceeding 30 cubic feet per minute per square foot for felted fabrics. Each square yard of felted fabric will weigh at least 14 ounces and be at least one-sixteenth inch thick throughout. No by-pass devices are permitted. Provisions shall be made to empty the collection hoppers without creating visible emissions of particulate matters.

c. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the permissible exposure concentrations shall be provided with local exhaust ventilation systems.

d. As practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the permissible exposure concentrations. Personnel shall be protected as specified in subparagraph 2.b. providing full protection of nose, mouth, and respiratory system.

e. Asbestos-free substitute materials shall be tested, under the technical management of NAVSEC, and, if acceptable to NAVSEA, shall be used in place of asbestos containing materials.

f. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent the release of airborne asbestos fibers in excess of the permissible exposure concentration.

g. Personnel engaged in the spraying of asbestos, the removal (rip-out), or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with a type C continuous flow or pressure-demand, supplied air respirator and special clothing in accordance with paragraph 2. herein.

h. All external surfaces in places of employment shall be maintained free of accumulations of asbestos fibers to prevent subsequent dispersion.

i. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation, airborne concentrations of asbestos fibers in excess of the permissible exposure concentration shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers. Prior to placing in bags, asbestos wastes shall be wet down to reduce airborne concentrations. It is essential that the waste asbestos material, in bags or containers, be disposed of by burial under at least two feet of earth at a suitable sanitary land fill.

2. **Personal protective equipment.** Controls are prescribed as follows for use of personal protective equipment:

a. Compliance with permissible exposure limits shall not be achieved by the use of respirators except:

(1) During the time period necessary to commence industrial hygiene control measures.

(2) In work situations in which the control methods prescribed in paragraph 1 are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the acceptable limit.

(3) During emergencies.

b. A respirator program shall be established as described herein. During repair of insulation or other work requiring asbestos removal, personnel shall be protected by personnel protective equipment that provides full protection of nose, mouth, and respiratory system. This requirement shall be met by use of one of the following or their equivalent; National Institute of Occupational Safety and Health (NIOSH), Department of Health, Education, and Welfare, or Bureau of Mines, Department of the Interior approved air or self-contained respirator:

(1) Air supplying respirator (airline), type A, class II

(2) Airline masks as specified in chapter 079 (9880, section II)

(3) Oxygen breathing apparatus (OBA) as specified in chapter 079 (9880, section II)

NOTE: OBA is not to be routinely used.

c. A person shall not be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the person will be unable to function normally wearing a respirator, or that the safety or health of the person or other personnel will be impaired by his use of a respirator.

d. Asbestos and fibrous glass handlers disposable coveralls and clothing in accordance with MIL-C-29133 (Navy) providing whole body, head, hand, and foot coverings for use by personnel exposed to airborne concentrates of asbestos fibers shall be provided. Cloth hoods, such as painters hoods, shall be worn for head covering. Disposable plastic gloves shall be worn to protect hands. Cloth gloves may be worn inside the plastic gloves for comfort, but shall not be used alone. Sleeves shall be made secure at the wrist by use of flaps provided or by use of masking tape. Stock numbers for coveralls by size are:

X-Small	NSN 8415-00-601-0792
Small	NSN 8415-00-601-0793
Medium	NSN 8415-00-601-0794
Large	NSN 8415-00-601-0797
X-Large	NSN 8415-00-601-0801
XX-Large	NSN 8415-00-601-0802

e. At any fixed place of employment, change rooms shall be provided when exposure to the airborne concentration of asbestos fibers is in excess of the permissable exposure limit.

(1) Two separate lockers or containers for each person so separated or isolated to prevent contamination of street clothes or work clothes, shall be provided. Asbestos contaminated clothing shall be transported in sealed impermeable bags or containers.

f. When ships are at an industrial site, contemplated ship force asbestos work must be planned and coordinated with the responsible officials and Industrial Hygienists of that activity so that both industrial workers and ship force are in compliance with the requirements of this Appendix and Appendix B. Violation of these requirements may involve regulatory agencies other than the Navy, and/or environmental pay differentials (bonuses) to industrial workers.

g. When ships are in port at commercial facilities (both Occupational Safety and Health Administration (OSHA) and Environmental Protection Agency (EPA) inspectors have cognizance over commercial facilities), the services of an Industrial Hygienist is recommended before undertaking asbestos work.

h. Decks and spaces in areas that become contaminated by asbestos insulation scrap and debris shall not normally be dry swept. Exception: during major removal of asbestos, dry sweeping is allowed where necessary to assist with vacuum cleaning methods, provided personnel are properly attired with personal protective equipment including air line respirator or equivalent. Industrial type vacuum cleaners may be used in cleanup of dry asbestos.

635-A.3 ENVIRONMENTAL MONITORING. Samples shall be taken and measured under the supervision of an Industrial Hygienist (see Appendix C).

1. **Method of measurement.** All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 magnification, using phase contrast illumination, with sample mounted in high viscosity solution of membrane filter material.

2. **Monitoring.** Sampling shall be of such frequency and pattern to represent with reasonable accuracy the level of exposure. Sampling shall not be at intervals greater than six months. Samples shall be collected from within the breathing zone of personnel, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers. Records of environmental monitoring shall be maintained.

NOTE: Details of techniques and requirements of the foregoing are provided through contact with activities delineated in Appendix C. Appendix D contains an explanation of the method of measurement and monitoring techniques.

635-A.4 CAUTION SIGNS AND LABELS. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may exceed the permissible exposure concentration. Signs shall be posted at such a distance from such a location so that personnel may read the signs and take necessary steps before entering the area marked by the signs. Appendix E contains examples of caution signs and caution labels which may be made or which are commercially available.

635-A.5 MEDICAL REQUIREMENTS

1. Naval personnel in an occupation exposed to airborne concentrations of asbestos fibers shall receive, within 30 calendar days following first employment, a comprehensive medical examination, which shall include as a minimum, a chest roentgenogram (posterior-anterior 14 by 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV 1.0). The same medical examination shall be conducted within 30 calendar days before or after the termination of employment.

2. Naval personnel in an occupation exposed to airborne concentrations of asbestos fibers shall receive an annual examination to include, as a minimum, a chest roentgenogram (posterior-anterior 14 by 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV 1.0). X-ray films of asbestos workers shall be specially identfied to the consulting radiologist. All medical record jackets shall be marked asbestos worker.

APPENDIX B. NATIONAL EMISSION STANDARD FOR ASBESTOS

635-B.1 GENERAL

635-B.2 Care shall be taken to assure that measures to meet emission standards are compatible with occupational health and safety standards and requirements contained in Appendix A.

635-B.3 APPLICATION OF NATIONAL EMISSION STANDARDS

1. The National Emission Standards fc Asbestos prohibit visible emissions.

2. The standard became effective immediatel upon publication and principally applies to th discharge of asbestos fibers to the ambien atmosphere.

APPENDIX C. TECHNICAL ASSISTANCE FOR ASBESTOS CONTROL

635-C.1 SPECIFIC ASSISTANCE AVAILABLE

1. Industrial hygiene personnel at BUMED activities are available to provide consultation and technical assistance to commands in matters of occupational health.

2. Specific assistance is available in the following areas related to asbestos control:

a. Evaluation of existing controls and recommendations for improved engineering controls, e.g., local exhaust ventilation systems.

b. Analysis of personnel exposure samples where either quantity of samples or time frame for accomplishment of analysis is beyond shipyard capacity.

c. Selection of protective clothing and appropriate respiratory protective devices.

d. Monitoring personnel exposure levels through collection of air samples and performing asbestos fiber determinations.

635-C.2 FORCES AFLOAT

1. Forces afloat requiring the services of an industrial hygienist should request assistance from the nearest Navy Environmental and Preventive Medicine Unit (NAVENPVNTMEDU). The location of the units and their autovon numbers are given in table 635-C.1.

2. Ships in port may request industrial hygiene services from the Naval Regional Medical Center or clinic serving that geographic area.

3. Shore activities. Activities and departments located ashore should request industrial hygiene services from the appropriate Naval Regional Medical Center which will provide, or arrange for, the required services. Industrial hygiene services are available in the naval regions as depicted in table 635-C.2.

TABLE 635-C.1

TECHNICAL ASSISTANCE FOR FORCES AFLOAT

NAVENPVNTMEDU-2	Norfolk, VA	(Aut) 690-7671
NAVENPVNTMEDU-5	San Diego, CA	(Aut) 958-1263
NAVENPVNTMEDU-6	Pearl Harbor, HI	(Aut) 430-5131
NAVENPVNTMEDU-7	Naples, Italy	(Aut) 625-1100 Ext. 468/469

TABLE 635-C.2

TECHNICAL ASSISTANCE DIRECTORY

NAVREGMEDCEN	Industrial Hygiene Services Commercial Telephone Number
Bethesda, Maryland	(301) 295-1249
Bremerton, Washington	(206) 478-2729
Camp Lejeune, North Carolina	(919) 451-1110, ext. 4554
Camp Pendleton, California	(714) 725-3509
Charleston, South Carolina	(803) 743-6100
Corpus Christi, Texas	(512) 939-3682
Jacksonville, Florida	(904) 772-2841
Long Beach, California	(213) 547-7972
New London, Connecticut	(203) 449-4613
Newport, Rhode Island NAVREGMEDCLIN-Portsmouth, New Hampshire	(207) 439-1000, ext. 398 (207) 439-1000, ext. 398
Pearl Harbor, Hawaii	(808) 433-1137
Pensacola, Florida	(904) 452-3639
Philadelphia, Pennsylvania	(215) 755-4751
Portsmouth, Virginia	(804) 393-3280
San Diego, California	(714) 225-3506

Other shore activities shall request industrial hygiene assistance from the nearest NAVENPVNTMEDU or the Navy Enviromental Health Center, 3333 Vine Street, Cincinnati, Ohio, Autovon: 989-3863 or Commercial: (513) 684-3947.

APPENDIX D. SAMPLING AND MONITORING PROCEDURES

635-D.1 PRINCIPLES OF SAMPLING

635-D.2 A dust sampling procedure must be designed so that samples of actual dust concentrations are collected accurately and consistently. The results of the analysis of these samples will reflect, realistically, the concentrations of dust at the time and place of sampling. In order to collect a sample, representative of airborne dust which is likely to enter a subject's respiratory system, it is necessary to position a collection apparatus near the nose and mouth of the subject, or in his breathing zone.

635-D.3 The concentration of dust in the air to which a worker is exposed will vary, depending upon the nature of the operation and upon the type of work performed by the operator and the position of the operator relative to the source of the dust. The amount of dust inhaled by a worker can vary daily, seasonally, and with the weather. In order to obtain representative samples of workers exposure, it is necessary to collect samples under varying conditions of weather, on different days, and at different times during a shift. The percentage of working time spent on different tasks will affect the concentration of dust the worker inhales since the different tasks usually result in exposure to different concentrations. The percentage can be determined from work schedules and by observation of work routines.

635-D.4 The daily average weighted exposure can be determined by using the following formula:

$$\frac{(\text{Hours X Conc. Task A}) + (\text{Hours X Conc. Task B}) + \text{etc.}}{8 \text{ Hours (or actual hours worked)}}$$

635-D.5 The concentration of any air contaminant resulting from an industrial operation also varies with time. Therefore, a longer sampling time will better approximate the actual average. With the recommended sampling procedure, it is possible to collect samples at the workers breathing zones for periods from 4 to 8 hours, thus permitting the evaluation of average exposures for a half or full 8-hour shift; a desirable and recommended procedure. Furthermore, dust exposures of a more normal work pattern result from the use of personal samplers. In evaluating daily exposures, samples should be collected as near as possible to workers breathing zones.

635-D-6. COLLECTING SAMPLES. The method for taking samples and counting fibers is based on a modification of the membrane filter method. The sample should be collected on a 37-mm Millipore type AA (or equivalent 0.8 micrometer porosity) filter mounted in an open-face filter holder. The holder should be fastened to the workers lapel and air drawn through the filter by means of a battery-powered personal sampler pump. The filters are contained in plastic filter holders and are supported on pads which also aid in controlling the distribution of air through the filter. To yield a more uniform sample deposit, the filter-holder face-caps should be removed. Sampling flow rates from 1.0 liter per minute (1pm) up to the maximum flow rate of personal sampler pump (usually not over 2.5 1pm) and sampling time from 15 minutes to 8 hours are acceptable provided the following restraints are considered:

1. In order to obtain an accurate estimate of the number of fibers, the statistical error resulting from the random distribution of the fibers must be kept to an acceptably low level. Since fiber counts follow a Poisson distribution, a count of 100 fibers in a sample would have a standard deviation of $\sqrt{100}$ or 10 fibers or ±10%. Thus, the 95% confidence limits would be approximately 2 standard deviations or ±20%. Since the 37-mm filter has an effective collecting area of 855 mm², and the projected field area of the Porton reticle is 0.005 mm², each field represents 1/171000 of the sample. Based on this ratio the following number of fields must be counted to measure the various limits in various sampling times:

Sampling Time (min)	Flow Rate (1pm)	Number of Fields for 100 Fibers (fibers/ml)		
		0.2	2.0	10
10	2	4350	435	91
15	2	2860	286	58*
30	2	1430	143	29*
90	1	1000	100	20
90	2	500	50*	10
240	1	260	26*	7*
240	2	180	18*	4
480	1	180	18*	4

2. Do not count a field containing over 20 fibers because in addition to the fibers being counted, there are also present a number of grains, which interfere with the accuracy of the count.

3. Based on these retraints (i.e., number of fields to be counted and maximum number of fibers per field) acceptable sampling parameters for the various limits are marked with an asterisk above.

4. The following conclusions may be drawn from this analysis:

a. The short-term limit should be for a

period of at least 15 minutes and preferably 30 minutes.

b. The 2.0 fiber/cc limit may be evaluated over periods of from 90 to 480 minutes.

635-D.7 As many fields as required to yeild at least 100 fibers should be counted. In general the minimum number of fields should be 20 and the maximum 100.

635-D.8 MOUNTING SAMPLE. The mounting medium used in this method is prepared by dissolving 0.05 gram of membrane filter per ml of 1:1 solution of dimethyl phthalate and diethyl oxalate. The index of refraction of the medium thus prepared is ND = 1.47.

635-D.9 To prepare a sample for microscopic examination, a drop of the mounting medium is placed on a freshly cleaned, standard (25 X 75 mm), microscopic slide. A wedge-shaped piece with arc length of about 1 cm is excised from the filter with a scalpel and forceps and placed dust-side-up on the drop of mounting solution. A No. 1-1/2 coverslip, carefully cleaned with lens tissue, is placed over the filter wedge. Slight pressure on the coverslip achieves contact between it and the mounting medium. The sample may be examined as soon as the mount is transparent. The optical homogeneity of the resulting mount is nearly perfect, with only a slight background granularity under phase contrast, which disappears within one day. The sample should be counted within two days after mounting.

635-D.10 EVALUATION. The mounted filter samples are evaluated in terms of the concentration of asbestos fibers greater than 5 micrometers in length. A microscope equipped with phase-contrast optics and a 4-mm high-dry achromatic objective is suitable for this determination. 10X eyepieces, one of which contains a Porton or other suitable reticle at the level of the field-limiting diaphragm, should be used. The left half of the Porton reticle field serves to define the counting area of the field. Twenty fields located at random on the sample are counted and total asbestos fibers longer than 5 micrometers are recorded. Any particle having an aspect ratio of three or greater is considered a fiber.

1. The following formulae are used to determine the number of fibers/ml:

$$\frac{\text{Filter area (mm}^2\text{)}}{\text{Field area (mm}^2\text{)}} = K$$

$$\frac{\text{Average net count} \times K}{\text{Air volume samples (ml)}} = \text{fibers/ml}$$

2. For example, assume the following:

a. Area of the filter used was 855 mm^2.

b. Counting area of one field under the Porton reticle was 0.005 mm^2.

c. Average net count per field of 20 fields was 10 fibers.

d. Sample was collected at 2 liters per minute for 90 minutes.

Then

$$\frac{855 \text{ mm}^2}{0.005 \text{ mm}^2} = 171{,}000 \text{ (K)}$$

$$\frac{10 \text{ fibers} \times 171{,}000}{2{,}000 \text{ ml/min} \times 90 \text{ min}} = 9.5 \text{ fibers/ml}$$

635-D.11 CALIBRATION OF PERSONAL SAMPLER

635-D.12 The accuracy of an analysis can be no greater than the accuracy of the volume of air which is measured. Therefore, the accurate calibration of a sampling device is essential to the correct interpretation of an instruments indication. The frequency of calibration is somewhat dependent on the use, care, and handling to which the pump is subjected. Pumps should be calibrated if they have been subjected to misuse or if they have just been repaired or received from a manufacturer. If hard usage is given the instrument, more frequent calibration may be necessary.

635-D.13 Ordinarily, pumps should be calibrated in the laboratory both before they are used in the field and after they have been used to collect a large number of field samples. The accuracy of calibration is dependent on the type of instrument used as a reference. The choice of calibration instrument will depend largely upon where the calibration is to be performed. For laboratory testing, a 1-liter burette or wet-test meter should be used. In the field, a rotameter is the most convenient instrument used. The actual set-up will be the same for all of these instruments. The calibration instrument will be connected in sequence to the filter unit which will be followed by the personal sampler pump. In this way, the calibration instrument will be at atmospheric pressure. Connections between units can be made using the same type of tubing used in the personal sampling unit. Each pump must be calibrated separately for each type of filter used, if, for example, it has been decided to use a filter with a different pore size. The burette should be set up so that the flow is toward the narrow end of the unit.

635-D.14 Care must be exercised in the assembly procedure to insure adequate seals at the joints and

that the length of connecting tubing be kept at a minimum. Calibration should be done under the same conditions of pressure, temperature, and density as will be encountered. The rotameter should be used only in the field as a check if the diaphragm or piston pumps are not equipped with pulsation dampeners. The pulsating flow resulting from these type pumps causes the rotameter to give results which are not as accurate as that obtained with a burette or wet-test meter. Calibration can be accomplished with any of the other standard calibrating instruments, such as spirometer, Marriott's bottle, or dry-gas meter. The burette and wet-test meter were selected because of their accuracy, availability, and ease of operation.

APPENDIX E. ASBESTOS CAUTION SIGN AND LABEL SPECIFICATION

635-E.1 SIGN SPECIFICATIONS

635-E.2 Warning signs shall conform to the requirements of 20" x 14" vertical format. The signs shall display the following legend in the lower panel, with letter sizes and styles specified. Spacing between lines shall be at least equal to the height of the upper of any two lines.

LEGEND	NOTATION
Asbestos	1" Sans Serif, Gothic, or Block
Dust Hazard	3/4" Sans Serif, Gothic or Block
Avoid Breathing Dust	1/4" Gothic
Wear Assigned Protective Equipment	1/4" Gothic
Do Not Remain In Area Unless Your Work Requires It	1/4" Gothic
Breathing Asbestos Dust May Be Hazardous To Your Health	14 point Gothic

635-E.3 CAUTION LABELS

635-E.4 Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in Appendix A will be released.

635-E.5 The caution labels shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

ADMIN MASTER FILE
ATTACHMENT (C)

DEPARTMENT OF THE NAVY
NAVAL SHIP SYSTEMS COMMAND
WASHINGTON, D.C. 20360

IN REPLY REFER TO
NAVSHIPSINST 5100.26
07D:JC:lb
Ser 70-07D
9 February 1971

NAVSHIPS INSTRUCTION 5100.26

From: Commander, Naval Ship Systems Command

Subj: Asbestos Exposure Hazards; control of

Ref: (a) MIL-STD 769C of 15 Nov 1969, Thermal Insulating Requirements for Machinery and Piping
(b) NAVSHIPS Technical Manual 9390 of Sep 1967
(c) NAVMAT P-5100 "Safety Precautions for Shore Activities"
(d) NAVMAT P-10470 "Safety Equipment Manual"

Encl: (1) Suggested Warning Signs

1. Purpose. To prescribe appropriate safety precautions during the use of asbestos.

2. Background.

a. Asbestos is a broad term applied to a group of fibrous minerals such as amosite, chrysotile, crocidolite, etc., composed of silicates of iron, sodium, calcium and/or magnesium.

b. The most critical use of asbestos in the Navy from a safety viewpoint is in the fabrication, installation, repair or removal of pipe and boiler insulation materials. Some workers sustain accidental contacts either while employed in various capacities where asbestos products are processed or when working in plant areas in which an environmental pollution of the air exists due to asbestos. The severe effects of asbestos on the lungs is the main factor for considering the elimination of asbestos as an insulation material on piping, ducts and boilers. References (a) and (b) set standards of materials which are to be used. These references will be reviewed periodically and changed as necessary to reflect the use of new materials that meet or exceed the standards now in use. Reference (c) also provides guidance on precautions regarding asbestos.

3. Action. The following safety precautions will be observed by all supervisors and workers engaged in the fabrication, installation and/or removal (rip-out) of asbestos-containing insulation/material. The provisions of this instruction will be effective as of this date. The provisions of this instruction are considered as minimum health and safety requirements; more stringent restrictions may be applied by local Commanders.

S202

a. Fabrication:

(1) Asbestos operations should be segregated from other operations so as not to expose other personnel to asbestos dusts. If the work cannot be separated, personnel in immediately adjacent areas will wear a Bureau of Mines approved respirator for irritant dusts and other prescribed, personal, protective equipment. The various items of personal, protective equipment will be those approved by the Industrial Hygienist, the Medical Officer, or as authorized by reference (d).

(2) The handling and fabrication areas will be restricted to the necessary workers, supervisors and inspection personnel directly concerned with the asbestos operations. Casual visitors or passers-by will be restricted from entry into any area where asbestos containing materials are being fabricated. All supervisors, workers, inspectors, etc., will wear approved respirators for irritant dusts when they are working with dry material containing asbestos or are in asbestos-contaminated areas of work spaces.

(3) Asbestos cloth cutting tables or benches provided with adequate local exhaust ventilation should be used whenever cutting operations are performed. Exhaust air containing asbestos dust will not be dispersed into the atmosphere without being adequately filtered. Filters will be carefully changed or cleaned to prevent atmospheric contamination.

(4) Power saws will be located in a suitable enclosure which is equipped with exhaust ventilation to a filter trap. This exhaust ventilation will be independent of the shop ventilation supply/exhaust system. The switches will be interlocked so that the exhaust system operates at all times while the saw blades are in operation.

(5) Suitable waste containers lined with disposable plastic bags will be provided at each cutting table/fabrication operation. Discarded and scrap asbestos materials will be immediately placed in plastic bags which are then sealed for disposal. Scrap should be disposed of on a daily basis.

(6) The Industrial Hygienist or Medical Officer will recommend the exact method and place of disposal of asbestos dusts and scrap to minimize exposures.

(7) Shop walls, ceilings and floors should be designed to prevent dust accumulations and to facilitate housekeeping measures.

*(8) Industrial type vacuum cleaners should be used to pick up dusts and scrap. The vacuum cleaner operator will wear an approved respirator when operating his cleaner. The water impaction collection system vacuums best and safely. Dry sweeping of scrap or dust should not be permitted. If sweeping is necessary, the scrap and possible dust will be wet down with a fine water spray prior to sweeping. Drop cloths will be placed under work tables or areas if scraps and dust will fall into difficult to clean areas or crevices.

*(9) Asbestos cloth or tape will not be torn or ripped. Scissors or cutting knives will be used.

(10) In-Shop operations for mixing of all cements will be provided with permanent exhaust ventilation equipment. This exhaust air will not be vented into the shop atmosphere and must be adequately filtered before its release to the outside atmosphere. In-bag mixing may be done without exhaust ventilation so long as bag integrity is maintained.

(11) The asbestos cloth shall be wet down prior to fabrication.

*(12) All regularly assigned insulation workers and supervisors will be given a 14" x 17" annual chest X-ray. This will be done on the same continuing, periodic basis even if the worker is transferred or reassigned into another job title. X-ray films of asbestos workers, active, reassigned or retired, will be specially identified to the consulting radiologist to alert him to the need for a special type of reporting. The health records of insulation workers will be marked "Asbestos worker".

resin impregnated coveralls

*(13) Insulation workers should be provided with clean coveralls at the beginning of each shift or as often as needed. The coveralls will be removed before the removal of the respirator and should not be "beaten" to remove excess dusts or scrap adhering to it. Contaminated coveralls will be placed in plastic bags, until disposed of or laundered.

*(14) Materials will be removed from their cartons or package with care to reduce dust or scrap generation. Wetting of the material prior to removal substantially reduces dust production.

practical?

(15) The Industrial Hygienist will provide at least twice yearly indoctrination talks to all asbestos workers on the proper measures of personal protection against asbestos exposure.

*Include in your instruction under report.

*(16) Adequate warning signs (enclosure (1) or similar) will be posted at all entrances to the fabrication shop sites to alert workers and other personnel that asbestos operations are in progress.

(17) The Industrial Hygienist should make frequent inspection of the Fabrication and Installation sites to check the level of airborne contamination. These inspections should be done monthly or more often as required. The Threshold Limit Value (TLV) for airborne asbestos is 5 fibers greater than 5 microns per milliliter. If this TLV is exceeded, the Industrial Hygienist will assist the shop foreman in designing better preventive measures to control the airborne contamination. Asbestos installation, fabrication or removal operations should be suspended until the proper TLV can be maintained so as to protect the workers and others in the area.

(18) Cement bags will be opened wide to permit emptying of the contents without shaking. The material should be made into a slurry as quickly as possible to prevent dust generation. Empty bags will be wet down and placed in a waste container.

(19) Suitable replacement materials for asbestos will be used when practicable. New or untested replacement materials will be submitted to NAVSEC for evaluation and approval prior to use.

b. Installation:

(1) Personnel engaged in Installation operations will wear Industrial Hygienist approved respirators whenever asbestos containing materials are being handled. The Medical Officer will be the approval authority for any exceptions.

(2) Unpacking and application of insulation materials at the installation site will be done in such a manner that will minimize airborne dust.

(3) The area around the installation procedures should be isolated when possible. Adequate warning signs (enclosure (1)) will be posted. Only persons whose work requires their presence should be permitted in such areas. If airborne asbestos dust is present, they will wear Bureau of Mines approved respirators for dusts or leave the area.

(4) The Industrial Hygienist will be requested to determine suitable methods for preventing large scale contamination of machinery and engine spaces when installation or removal operations are performed in these areas.

(5) Suitable waste containers lined with disposable plastic bags will be kept available at the installation site so that discarded or scrap insulation materials can be immediately placed in them.

(6) The exact method and place of disposal of scrap asbestos and asbestos dust will be approved by the Industrial Hygienist or the Medical Officer. Personnel assigned these tasks will be specifically advised on needed precautions by the Industrial Hygienist or the shop supervisor.

(7) The ventilation requirements of shipboard or confined spaces will be determined by the Industrial Hygienist or Safety Officer and will be in accord with Article 0212 1045-1054 of reference (c).

(8) Portable dust collectors/industrial-type vacuum cleaners should be placed in use at the point of operations within confined spaces when possible.

(9) Decks and spaces contaminated by insulation debris will not be dry swept. These areas must be wet down by a fine spray prior to sweeping (when vacuum cleaners cannot be used).

(10) Workers performing insulation work should be provided with clean paper coveralls when dusty conditions are to be encountered. The coveralls will be removed before the respirator is removed. The coveralls should not be "beaten" to remove excess dusts or scraps adhering to it. Contaminated coveralls will be disposed of by placement in the asbestos scrap bag.

c. Removal (Rip-Out):

*(1) Personnel engaged in Removal operations will wear Bureau of Mines approved respirators whenever asbestos containing materials are being handled. The Medical Officer will be the approval authority for any exceptions.

(2) The area around the Removal procedures should be isolated when possible. Adequate warning signs (enclosure (1)) will be posted. Only persons whose work requires their presence will be permitted in such areas. ~~If airborne asbestos dust is present, they will wear Bureau of Mines approved respirators for irritant dusts or leave the area.~~

(3) The Industrial Hygienist/Medical Officer should designate specific procedures to collect scrap and dust in the machinery spaces.

*(4) The area(s) in which asbestos removal takes place will be confined when possible by means of curtains, portable partitions, drop cloths, etc., to prevent excessive contamination of other areas.

(5) In removal operations that involve dusty work, clean ~~paper~~ resin impregnated coveralls will be supplied at the start of each shift; then for lunch, the workers will dispose of the dirty coveralls, then dispose of their respirator filters. After lunch they will put on clean coveralls and respirators with new filters. At the end of the shift all contaminated coveralls will be disposed of by placement in the asbestos scrap bags.

*(6) Suitable waste containers lined with disposable plastic bags will be kept available at the removal site so that discarded or scrap insulation materials can be immediately placed in them.

(7) The exact method and place of disposal of scrap asbestos and asbestos dust will be approved by the Industrial Hygienist/Medical Officer. This is particularly applicable on-board ships and in machinery spaces. buried in sanitary land fill

*(8) High asbestos-containing scrap material should be wet down before collection, hauling or dumping. Personnel assigned these tasks will be specifically advised on needed precautions by the Industrial Hygienist or the insulation shop supervisor.

(9) The ventilation requirements of shipboard or confined spaces will be determined by the Industrial Hygienist or Safety Officer and will be in accord with articles 0212, 1045-1054 of reference (c).

*(10) Portable dust collectors/industrial-type vacuum cleaners should be placed in use at the point of operations within confined spaces. They may be used to temporarily and partially clean a worker who has to leave the work area for a short time.

*(11) Decks and spaces contaminated by insulation debris should not be dry swept. These areas must be wet down by a fine spray prior to sweeping (when vacuum cleaners cannot be used).

*(12) A cast cutter similar to the Number 845 STRYKER CUTTER will be used when possible during removal operations. This is a cutter used by doctors to remove plaster casts from patients. Old insulation should not be ripped or torn. It should be cut whenever possible. The addition of a vacuum attachment to the STRYKER CUTTER will materially aid in controlling dust generation. This attachment should be used whenever practicable.

(13) The Industrial Hygienist will periodically evaluate the level of asbestos exposure and recommend positive measures for dust control in various areas. This evaluation should be done at the start of each new asbestos operation and as often thereafter as the findings indicate to provide effective control over dust producing operations.

(14) The use of off-hours work should be considered to minimize the number of personnel susceptible to exposure of irritant dusts.

d. Approved Safety Materials/Clothing:

(1) The Industrial Hygienist will recommend and approve the various types of respirators, overalls and other needed personal protective equipment to be used by personnel engaged in various asbestos operations. Only personal protective equipment approved in accordance with Federal Specification GGG-M-125, Type III, Classes 1 and 2 as set forth in reference (d) will be used.

(2) Each worker will be responsible for maintaining his respirator and filters in a satisfactory condition. He will wear it in a proper manner when working on dust producing operations and during all asbestos removal operations.

(3) Supervisors will enforce the proper use of personal protective equipment during all phases of asbestos work. They will arrange for prompt, scheduled physical examinations and X-rays as prescribed by the Medical Officer (normally annually).

(4) Supervisors will arrange for an adequate supply of clean coveralls and new filters for the respirators used by insulation workers.

e. Application of Substitute Materials For Asbestos:

(1) Any proposed materials for use in place of asbestos will be submitted to NAVSEC for evaluation and approval prior to use.

J. W. DOLAN, Jr.
Deputy Commander for Field Activities/Program Director for Shipyard Modernization and Management

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SUGGESTED WARNING SIGNS

RESTRICTED ACCESS
ASBESTOS FABRICATION AREA

RESTRICTED ACCESS
ASBESTOS INSTALLATION/RIP OUT
WEARING OF RESPIRATORS REQUIRED

Dept. of Transportation U.S Coast Guard CGYARD-234 (Rev. 4/71)	ATTACHMENT (D) YARD PROCEDURES MANUAL	Date: 31 October 1972 Page: 1 of 6

Volume: VIII GENERAL & INTER-DEPARTMENT	Chapter: 5 GENERAL ADMIN & MANAGEMENT	Section: 5100 SAFETY	Procedure: 5100.10

Procedure Title: ASBESTOS - HEALTH AND SAFETY PRECAUTIONS

APPROVED: R. W. Goodie
R. W. GOODIE

INFORMATION

1. Discussion: Asbestos is a broad term applied to a group of fibrous minerals such as amosite, chrysotile, crocidolite, etc., composed of silicates of iron, sodium, calcium or magnesium. The most critical use of asbestos in the YARD from a safety viewpoint is in the fabrication, installation, repair or removal of pipe and boiler insulation materials. Some workers sustain accidental contacts either while employed in various capacities where asbestos products are processed or when working in plant areas in which an environmental pollution of the air exists due to asbestos. The severe effects of asbestos on the lungs is the main factor for considering the elimination of asbestos as an insulation material on piping, ducts and boilers.

2. References

a. MIL-STD 769C of 15 Nov, 1969, Thermal Insulating Requirements for Machinery and Piping.

b. NAVSHIPS Technical Manual 9390 of Sept 1967.

c. NAVMAT P-5100 - Department of the Navy Safety Precautions Manual.

PROCEDURES

1. General Procedures To Be Followed in Asbestos Operations

a. Asbestos operations will be segregated if possible from other operations so as not to expose other personnel to asbestos dusts.

b. If the asbestos operations cannot be separated from other operations, then the personnel in the immediately adjacent areas will wear a Bureau of Mines approved respirator for irritant dusts and will also wear any other personal, protective equipment prescribed by the Industrial Hygienist and the YARD Safety Manager.

c. The handling and fabrication areas will be restricted to the necessary workers, supervisors and inspection personnel directly concerned with the asbestos operations - no casual visitors or passers-by. Adequate warning signs will be posted (EXHIBIT I).

d. All supervisors, workers, inspectors, etc. will wear approved respirators for irritant dusts when they are working with dry material containing asbestos, or when they are in asbestos-contaminated areas of work space.

e. Suitable waste containers lined with disposable plastic bags will be provided at each cutting table or fabrication operation for the disposal of discarded and scrap asbestos materials.

f. Discarded and scrap asbestos materials will be disposed of on a daily basis. The method and place of disposal will be chosen by the Industrial Hygienist or the Safety Manager in order to minimize exposures.

g. Industrial type vacuum cleaners will be used to pick up dusts and scraps. The vacuum cleaner operator will wear an approved respirator when operating the cleaner.

h. Dry sweeping of scrap or dust will be prohibited. Necessary sweeping will be done by wetting down with a fine water spray the scrap and possible dust prior to sweeping.

i. Drop cloths will be placed under work tables or areas if scraps and dust will fall into difficult to clean areas or crevices.

j. Workers performing insulation work should be provided with clean flame retardant paper coveralls when dusty conditions are to be encountered. The coveralls will be removed before the respirator is removed. The coveralls should not be "beaten" to remove excess dusts or scraps adhering to it. Contaminated coveralls will be disposed of by placement in the asbestos scrap bag. Cloth coveralls may be used and laundered in lieu of paper coveralls, if more economical. Clean coveralls will be provided at the beginning of the shift, after lunch, and as often as needed.

k. Materials will be removed from their cartons or package with care to reduce dust or scrap generation. Wetting of the material prior to removal substantially reduces dust production.

l. The YARD Industrial Hygienist:

(a) Will provide at least twice yearly indoctrination talks to all asbestos workers on the proper measures of personal protection against asbestos exposure.

m. Should make frequent inspections of the Fabrication and Installation sites to check the level of airborne contamination. These inspections should be done semi-annually or more often as required. The Threshold Limit Valve (TLV) for airborne asbestos is 5 fibers greater than 5microns per milliliter. If this TLV is exceeded the Industrial Hygienist will assist the Department or Shop Head in designing better preventive measures to control the airborne contamination. Asbestos installation, fabrication or removal operations should be suspended until the proper TLV can be maintained so as to protect the workers and others in the area.

n. Will be requested to determine suitable methods for preventing large scale contamination of machinery and engine spaces when installation or removal operations are performed in these areas.

o. Will determine the Ventilation requirements of shipboard or confined spaces.

2. Procedures to be Followed in Fabrication

a. All general procedures in 1.

b. Asbestos cloth-cutting tables or benches provided with adequate local exhaust ventilation will be used whenever cutting operations are performed.

c. Exhaust air containing asbestos dust will be adequately filtered and these filters will be carefully changed or cleaned to prevent atmospheric contamination.

d. Power saws will be located in a suitable enclosure which is equipped with exhaust ventilation to a filter trap. The exhaust ventilation will be independent of the shop ventilation supply/exhaust system. The exhaust system must operate at all times while the saw blades are in operation.

e. Asbestos cloth or tape will not be torn or ripped. Scissors or cutting knives will be used.

f. Permanent exhaust ventilation equipment will be provided for the In-Shop operations for mixing of all cements. In-bag mixing may be done without exhaust ventilation so long as bag integrity is maintained. The exhaust air will not be released into the shop atmosphere and before its release into the outside atmosphere, it must be adequately filtered.

g. The asbestos cloth will be wet down prior to fabrication.

h. All regularly assigned insulation workers and supervisors will be given a 14" x 17" annual chest X-Ray. This will be done on the same continuing, periodic basis even if the worker is transferred or reassigned into another job title. X-ray films of asbestos workers, active, reassigned or retired, will be specially identified to the consulting radiologist to alert him to the need for a special type of reporting. The medical records of insulation workers will be marked "Asbestos Worker".

i. Cement bags will be opened wide to permit emptying of the contents without shaking. The material should be made into a slurry as quickly as possible to prevent dust generation. Empty bags will be wet down and placed in a waste container.

j. Suitable replacement materials for asbestos will be used when practicable.

3. Procedures To Be Followed In Installation:

a. All general procedures in 1.

b. The unpacking and application of insulation materials at the installation site will be done in such a manner so as to minimize airborne dust.

4. Procedures To Be Followed in Removal (Rip-Out):

a. All general procedures in 1.

b. The Safety Manager will approve any exceptions to the "wearing of the Bureau of Mines approved respirators whenever asbestos containing materials are handled" rule.

c. The Industrial Hygienist or Safety Manager should designate specific procedures to collect scrap and dust in the machinery spaces.

d. The areas in which asbestos removal takes place will be confined when possible by means of curtains, portable partitions, dropcloths, etc., to prevent excessive contamination of other areas.

e. In removal operations at lunch, along with the dirty coveralls, the workers will dispose of their respirator filters and replace them after lunch with new ones.

f. High asbestos-containing scrap material should be wet down before collection, hauling or dumping. Personnel assigned these tasks will be specifically advised on needed precautions by the Industrial Hygienist or the Department or Shop Head.

g. Portable dust collectors or industrial-type vacuum cleaners should be placed in use at the point of operations within confined spaces. They may be used to temporarily and partially clean a worker who has to leave the work area for a short time.

h. A cast cutter similar to the Number 845 STRYKER CUTTER will be used when possible during removal operations. This is a cutter used by doctors to remove plaster casts from patients. Old insulation should not be ripped or torn. It should be cut whenever possible. The addition of a vacuum attachment to the STRYKER CUTTER will materially aid in controlling dust generation. This attachment should be used whenever practicable.

i. The Industrial Hygienist will periodically evaluate the level of asbestos exposure and recommend positive measures for dust control in various areas. This evaluation should be done at the start of each new asbestos operation and as often thereafter as the findings indicate to provide effective control over dust producing operations.

j. The use of off-hours work should be considered to minimize the number of personnel susceptible to exposure to irritant dusts.

5. Procedures Applying to Safety Materials and Clothing

a. The Industrial Hygienist will recommend and approve the various types of respirators, overalls and other needed personal protective equipment to be used by personnel engaged in various asbestos operations.

b. Each worker will be responsible for maintaining his respirator and filters in a satisfactory condition. He will wear it in a proper manner when working on dust producing operations and during all asbestos removal operations.

c. Supervisors will enforce the proper use of personal protective equipment during all phases of asbestos work. They will arrange for prompt, scheduled physical examinations and x-rays as prescribed by the Medical Officer (normally annually).

d. Supervisors will arrange for an adequate supply of clean coveralls and new filters for the respirators used by insulation workers.

Dept. of Transportation U.S. Coast Guard CGYARD-234-A (Rev. 4/71)	CONTINUATION SHEET-YARD PROCEDURE Vol: VIII Procedure: 5100.10	Date: 30 October 1972 Page: 5 of 6

SUGGESTED WARNING SIGNS

RESTRICTED ACCESS
ASBESTOS FABRICATION AREA

- - - - - - - - - - - -

REQUIRED ACCESS
ASBESTOS INSTALLATION/RIP OUT
WEARING OF RESPIRATORS REQUIRED

EXHIBIT I

Dept.of Transportation U.S.Coast Guard CGYARD-234-A (Rev.4/71)	CONTINUATION SHEET-YARD PROCEDURE Vol: VIII Procedure: 5100.10	Date: 23 June 1975 Page: 6 of 6

PROTECTIVE DEVICES AND CLOTHING FOR ASBESTOS WORK

1. In order to protect the health of YARD employees, the following protective devices and clothing will be provided for use by employees working with asbestos:

a. Mandatory use:

(1) Coveralls - clean coveralls to be issued daily
(2) Hoods with visors (during ripout or similar operations where exposure to dust or debris is clearly significant); otherwise, painters' style cap
(3) Disposable mask, self-contained respirator, or airline respirator, depending upon the job, in accordance with current OSHA regulations.
(4) Protective creme
(5) Masking tape

b. Optional items:

(1) Hood with visor (except for ripout and similar situations)
(2) Gloves - clean gloves issued daily
(3) Protective sleeves

2. The immediate supervisor will determine which of the optional devices or clothing are necessary to protect the employee, depending upon the nature of the job. Employees must notify their supervisor immediately if a potential asbestos exposure situation arises.

3. Employees assigned will be trained to work safely with asbestos and to properly clean the area at completion of work. Also, as far as is practical, work areas will be isolated and vacuum attachments will be used for cutting tools. Proper use of prescribed devices and clothing is an employee duty.

4. No employees other than those working with the asbestos will be allowed to work in an area where airborne concentrations of asbestos are being generated. These areas will be prominently posted with appropriate warning signs. If necessary, the asbestos work will be performed on the second or third shift to avoid exposing other employees.

EXHIBIT II

ATTACHMENT (E)

HAZARDOUS SUBSTANCES TO WHICH PERSONNEL ARE EXPOSED

1. CHEMICALS.

a. Hazard Types.

Coast Guard personnel may deal with up to 6000 chemical substances which could pose a health hazard. Such substances consist primarily of:

(1) heavy metals, e. g. lead, zinc and chromates;

(2) pesticides;

(3) paints and solvents, e.g. trichloroethylene, perchloroethylene, benzene, xylene, and toluene;

(4) sensitizing agents, e.g. polyurethane surface coatings;

(5) skin irritants;

(6) pneumoconiosis-producing dusts and fibers, e.g. silica, asbestos, fiberglass;

(7) cleaning materials, including caustic detergents; chlorinated and non-chlorinated solvents.

b. Abatement techniques and activities.

Primary emphasis is always given to substituting a less hazardous material. Otherwise, engineering modifications or changes in the job procedure are instituted. Reliance on personal protection equipment is a last resort. Particular examples of efforts to reduce exposure to chemical hazards include:

(1) evaluation of lead exposure of personnel at bouy depot at South Weymouth, MA and U. S. Coast Guard Academy firing range and establishment of health education program to help reduce exposure;

(2) installation of OSM ventilation control system at Coast Guard Yard for protection of workers from organotin pesticide paints;

(3) survey of benzene use throughout the Coast Guard, leading to comprehensive substitution of less hazardous materials;

1. b. (4) current budget item submitted for upgrading of painting system at Aircraft Repair & Supply Center, Elizabeth City, NC to reduce hazards associated with polyurethane coatings;

(5) Investigation of exposures to phenol, cresols and methylene chloride exposures in aircraft paint stripping operations;

(6) comprehensive shipboard asbestos exposure investigation underway, leading to two vessel renovations costing $1.5 million, with others to be considered on a worst case/funds available basis;

(7) investigation of caustic and solvent hazardous exposures at CG Yard and AR&SC.

2. PHYSICAL ENERGIES.

a. Ionizing and non-ionizing radiation.

(1) hazard sources:

(a) electromagnetic communications equipment;

(b) x-ray emissions from medical equipment.

(2) abatement actions:

(a) evaluation of radiation exposure to electronics workers at CG Yard;

(b) regular, bi-annual evaluation of x-ray exposure at CG medical and dental facilities.

b. Hazardous noise exposure.

(1) Mission-related operational activities and maintenance and repair operations may result in hazardous noise exposure.

(2) Abatement activities are based on the comprehensive, Coast Guard-wide hearing conservation program recently approved by the Secretary of Labor. Particular sources of excessive noise are continuously being evaluated.

UNITED STATES GOVERNMENT

Memorandum

ATTACHMENT (F)

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

G-ECV-4/61
5700
Ser 00887

DATE: JUL 25 1979

SUBJECT: Supplemental Information for Congressional Subcommittee

FROM : Chief, Civil Engineering Division

TO : Chief, Safety Programs Division

REF : (a) G-CSP memo 5700 dtd 23 July 79

1. The enclosed information is provided in response to reference (a). Funding for Civil Engineering projects that relate to health/safety is provided either in OG43 or in AC&I.

2. The OG43 ZBM system allows me to identify those projects specifically planned in response to OSHA and safety requirements. The system does not provide actual obligation information. Reasonable projections of actual obligations can however be made by applying the percentages of OSHA/SAFETY projects in the total backlog to the total OG43 funds available. These figures are presented in enclosure (1). The data shows that for the past four fiscal years approximately $10,000,000, or 11% of available OG43 funds, has been spent on projects identified specifically as OSHA/SAFETY. Improving the "safety and health of the Coast Guard's working and living environment" is a good part of Civil Engineering's stock in trade. Although no objective method, short of reviewing the complete scope of work for each project, exists to verify Civil Engineering expenditures in this more generalized category, they are substantial. I would estimate that as much as one third of OG43 resources contribute to this category. This would amount to approximately $30,000,000 over the four year period

3. Enclosure (2) provides figures for AC&I projects that are safety/health related. The projects are divided into those that specifically respond to OSHA/SAFETY and those that are in the more general category of improving the Coast Guards working and living environment.

J. WATT
By direction

Encl: (1) OG43 Funds in Support of OSHA and Safety
(2) AC&I Funds in Support of OSHA and Safety

OG43 FUNDS IN SUPPORT OF OSHA AND SAFETY

FY	OSHA Related Projects (K$)	Safety Related Projects (K$)
79	418	2426
78	580	2241
77	534	1570
76	448	1848
	1980	8085

Grand Total = $10,065,000

64-401 O - 80 - 35

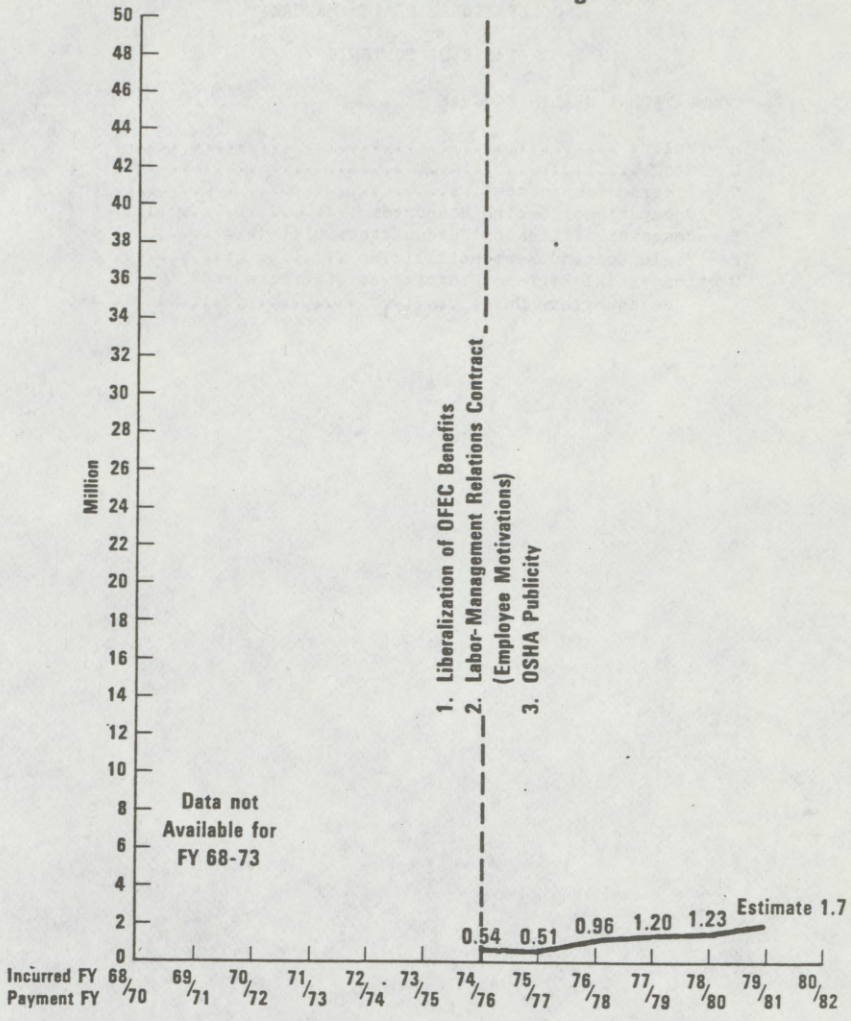
AC&I FUNDS IN SUPPORT OF OSHA & SAFETY

FY	OSHA & SAFETY PROJECTS ($K)	IMPROVEMENTS TO LIVING & WORKING ENVIRONMENT ($K)
79	5,144	11,800
78	1,236	18,341
77	3,618	16,055
76	290	14,846
75	385	33,016
74	2,070	25,004
	$12,743	$119,062

ENCLOSURE(2)

ATTACHMENT (G)

USCG OWCP Chargeback



ATTACHMENT (H)

COAST GUARD SAFETY AND
OCCUPATIONAL HEALTH MANUAL

TABLE OF CONTENTS

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CHAPTER 4 - OCCUPATIONAL HEALTH PROGRAM

A. POLICY. It is the policy of the Coast Guard to maintain and protect the occupational health of all civilian and military personnel and that of military dependents and visitors on board Coast Guard facilities. This policy includes all Coast Guard activities including those associated with Coast Guard-owned or operated vessels, aircraft, and shore facilities.

B. GOAL. This policy shall be carried out through the implementation of a comprehensive occupational health program in accordance with the requirements of Chapter 1, Volume 1 of the Coast Guard Safety and Occupational Health Manual COMDTINST M5100.29 (old CG-405). The goal of the occupational health program is to maintain and promote employee health and well being and to protect employees from health hazards associated with the work environment.

C. PROGRAM COMPONENTS. Industrial hygiene, occupational medicine and industrial engineering are the three major components of this program.

1. Industrial Hygiene. Industrial hygiene deals with those elements of the work environment which may lead to acute or chronic illness or discomfort either on the part of the employee or in the community at large. The industrial hygienist provides expertise and assistance in identifying, evaluating, and controlling health hazardous operations and processes. In the Coast Guard these hazards are primarily chemical in the form of dusts, fumes, mists, vapors, and gases; and physical hazards in the form of noise, vibration, heat stress, and ionizing and non-ionizing radiations. The Industrial Hygiene Staff in the Safety Programs Division has responsibility for this part of the Occupational Health Program.

2. Occupational Medicine. Occupational medicine is a medical specialty dealing with the effects of chemical and physical stresses on the human body, the symptoms of exposure to these stresses and the treatment of those effects. Occupational medicine is concerned with the state of good health, maintaining this healthy state, monitoring the trends toward any abnormal physiological state and correcting early any unhealthy conditions. The early stages of disease are usually not discerned by the patient because he has adjusted to his state gradually. After the problem has manifested itself corrective action is both time consuming and expensive in terms of job-time loss and treatment cost. The objective of this program is to document employees' normal health status and to monitor this status periodically so that early changes can be detected and appropriate treatment started before irreparable harm has been done. The Office of Health Services and its field counterparts have responsibility for implementing medical programs responsive to this part of the Occupational Health Program.

4-C.3. Industrial Engineering. A primary means for controlling or eliminating exposure to hazardous agents is through the proper design of engineering control systems. The engineer provides technical assistance and guidance in the application of such systems in the planning and design of projects involving use of hazardous chemical or physical agents as well as safety related hazards. Engineering staffs at Headquarters and in the field are responsible for this part of the Occupational Health Program.

D. OCCUPATIONAL HEALTH STANDARDS. Coast Guard occupational health standards appear in many Coast Guard publications, such as the Safety and Occupational Health Manual, COMDTINST M5100.29 (old CG-405), the Medical Manual (CG-294), and the Civil Engineering Manual (CG-251). However, the Commandant has taken action which will lead to the publication of Coast Guard standards covering a variety of topics relevant to occupational health as well as safety (CGSOH Standards). In addition, a thorough review will be made of all Coast Guard publications that now contain safety and occupational health standards to ensure consistency among the publications.

1. General Standards. OSHA Standards form the basis for all Coast Guard published safety and health standards. This body of standards, published in 29 Code of Federal Regulations, has been made mandatory by reference in the Safety and Occupational Health Manual COMDTINST M5100.29 (old CG-405) and as general applicability to all Coast Guard operations and functions. Published Coast Guard Safety and Occupational Health Standards, as they appear, shall have precedence over all other standards, regardless of source.

2. Coast Guard Standards. Reference is made to two Coast Guard standards concerning allowable exposure limits to health hazardous chemicals and physical energies and ventilation design.

a. Threshold Limit Values. Threshold limit values refer to airborne concentrations of substances or to energy intensities and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Those values, which are reviewed and published annually by the American Conference of Governmental Industrial Hygienists (ACGIH) are based on the most current toxicological data and workplace experience available. The National Institute for Occupational Safety and Health includes time weighted average (TWA) exposure concentrations based on current toxicological data in standards which it recommends to OSHA. ACGIH threshold limit values or NIOSH TWAs, whichever are more stringent, shall be considered Coast Guard workplace standards for exposure to chemical substances and physical energies except as otherwise required by Coast Guard directive. Coast Guard employees shall not be exposed to hazardous chemical substances or physical energies exceeding these limits.

4-D.2.b. Ventilation Design. Ventilation systems used for the control of hazardous materials in the work environment shall be designed in accordance with requirements of the Civil Engineering Manual (CG-251), the Industrial Ventilation Manual published by the American Conference of Governmental Industrial Hygienists and 29 CFR 1910. Air flow and air capacity specifications for these systems shall be those listed in the Industrial Ventilation Manual.

E. RESPONSIBILITIES OF HEADQUARTERS OFFICIALS.

1. The Chief of Staff, as the Designated Safety and Health Official for the Coast Guard, has responsibility for administering and directing, through the Chief, Safety Programs Division, the Coast Guard Safety and Occupational Health Program. Within that framework, the Chief, Industrial Hygiene Staff (G-CSP-4) is responsible for managing and coordinating the industrial hygiene program. He shall provide assistance to program managers, district commanders, and commanding officers of Headquarters units in meeting their occupational health responsibilities by:

   a. Ensuring development of appropriate policies, program elements and procedures to guide commands in developing effective and standardized occupational health programs.

   b. Providing industrial hygiene technical support to districts and Headquarters units through the conduct of environmental evaluations, studies and surveys.

   c. Developing an occupational health management information system.

   d. Assisting program managers in analyzing the occupational health impact of Coast Guard projects and programs during the planning stages.

   e. Conducting or directing Coast Guard wide investigations and studies of selected work environments or operations to collect data necessary to develop occupational health policy.

   f. Conducting evaluations of districts and Headquarters units occupational health programs.

2. The Chief, Office of Health Services (G-K) has responsibility for developing and promulgating a Coast Guard wide occupational medicine program for both civilian and military personnel.

   a. Program Responsibilities. The program shall address, but not be limited by OSHA medical requirements (or developed CGSOH Standards) and shall facilitate the identification and study of health problems related to the work environment. It shall be designed to provide information necessary to identify and monitor the status

4-E.2.a(cont'd) of occupationally related health problems in the Coast Guard through the collection and analysis of occupational medical data Coast Guard-wide. The program shall provide for medical input to epidemiological studies necessary to determine etiology of occupational disease. As the minumum the program shall provide specific direction and procedures in the following areas to enable districts and Headquarters units to develop standardized occupational medicine programs:

(1) Emergency care and treatment of occupational illness and disease.

(2) Occupational medical monitoring and evaluation.

(3) Occupational medical record keeping.

(4) Occupational medical data collection and assimilation.

(5) Use of private medical personnel to meet occupational medical requirements.

(6) Employee education and counselling.

b. Radiological Health. Many of the ionizing radiation sources in the Coast Guard are medical and dental X-ray units located within medical facilities. The Office of Health Services has an ongoing program to monitor both the condition of the equipment and exposure to equipment operators. The monitoring program shall be expanded to include all ionizing radiation sources throughout the Coast Guard and a radiological health officer shall be appointed to be responsible for coordinating and implementing radiological health aspects of the occupational health program.

3. The Chief, Office of Engineering (G-E) is responsible for providing policy and guidance for the design of Coast Guard facilities, vessels, aircraft, equipment and operations in accordance with Coast Guard occupational health standards and other requirements contained herein.

a. Planning and Design. In the planning and design of shore facilities and vessels, engineering staffs shall identify and provide for the engineering control of health hazardous operations which will be conducted in Coast Guard work spaces. This shall be accomplished by developing an occupational health impact analysis addressing each work area being designed. This analysis shall be a milestone in the planning stage for every facility or vessel related engineering project. Special emphasis should be given to

4-E.3.a(cont'd) identifying chemicals to be used, noise-producing equipment, radiation sources and hot environments since these hazards are present in many Coast Guard operations. When hazards are identified, one or more of the following control techniques shall be applied: substitution of less hazardous processes, equipment, or materials; isolation of the hazard from workers; or use of engineering controls such as ventilation systems to remove the hazard. Priority shall be given to substitution and isolation techniques since these are generally less expensive and are the most positive method of control. The use of personal protective equipment shall be relied on only when the hazard cannot be eliminated by engineering methods or in the interim while engineering controls are being developed.

b. Noise Abatement. The Chief Office of Engineering shall provide assistance and guidance to district commanders and commanding officers of Headquarters units in the development of noise abatement programs and shall coordinate these efforts for the Coast Guard. The chiefs of engineering departments Coast Guard wide shall ensure that in the design, development, construction alteration and rehabilitation of all vessels, aircraft, and shore facilities, appropriate and feasible acoustical engineering principles are applied to eliminate or reduce hazardous noise.

c. Hazard Control Ventilation. Industrial ventilation systems are commonly used to control worker exposure to many different types of health hazardous airborne contaminants found in the work environment. Proper ventilation system air velocity and distribution at the point of contaminant generation as well as system capacity are critical to hazard control; system effectiveness is directly dependent upon proper design. The Chief, Office of Engineering shall ensure that hazard control ventilation systems included in engineering designs developed at Headquarters are operationally evaluated for proper air velocity and capacity prior to being put into use. Evaluation criteria shall be that specified in Section D.(2).

The Chief, Office of Engineering shall keep the Chief of Staff appraised concerning progress, achievements, and significant problems encountered in implementing engineering programs required by the Occupational Health Program.

4. Chiefs, Offices of Marine Environment and Systems; Merchant Marine Safety; Operations; and Research and Development; and the respective field staffs shall conduct safety and occupational health analyses of all new equipment, machinery, tools, materials, operations and chemicals which are being developed or otherwise considered for use in the Coast Guard. Analyses shall be programmed as an integral part of the existing planning and development system. Safety and occupational health impact shall be defined in written detail and may include special research and development studies to quantify

4-E,4(cont'd.) exposure/hazard parameters. This hazard data shall be given consideration in determining feasibility for Coast Guard's use; specifically, costs for controls or procedures to protect employees as well as the environment shall be identified and considered in the decision making process. The intent of this process is to identify the least hazardous, and where practical, less costly items and procedures. When equipment, materials, and chemicals having inherent safety and health impact must be procured for use in the Coast Guard, specific direction shall be included to inform field personnel of the associated hazard(s) and procedures for hazard protection.

5. The Comptroller shall provide technical assistance in the development and maintenance of the occupational health data management system.

F. FIELD COMMAND RESPONSIBILITIES. District commanders, commanding officers of Headquarters units, commanding officers, and officers-in-charge are responsible for protecting the health of personnel under their command. The responsibility includes the obligation to ensure healthful working environments. Operations hazardous to health must be recognized and the hazards remedied. All levels of supervision and management, military and civilian, shall require and actively promote, by personal example and precept, proper work practices to include where applicable use of personal protective equipment and other controls necessary to protect personnel from occupational health hazards. In cases of non-compliance disciplinary action shall be considered as a corrective measure against the offender and the supervisor, as appropriate. District commanders and commanding officers of Headquarters units shall develop Occupational Medicine and Industrial Hygiene Programs within their commands in accordance with directions and requirements set forth in Chapter 1, Volume 1 of COMDTINST M5100.29 (old CG-405), CG-294, 6260 series instructions and those contained in this document.

1. Occupational Illness Investigations and Reporting. Investigations of all serious occupational diseases or illnesses shall be conducted in accordance with requirements in COMDTINST M5100.29 (old CG-405) Chapter 2; an appropriate Accident Report shall be submitted for all cases of occupational disease or illness, including hearing loss. Where investigation of occupational illness or disease requires an industrial hygiene evaluation of the work environment, assistance shall be requested from the Safety Programs Division (G-CSP-4).

2. Field Program Functional Requirements:

   a. Safety and health managers, safety officers, and medical personnel tasked with industrial hygiene related functions shall receive specified industrial hygiene/occupational health training to broaden their ability to recognize health hazards and to meet qualification requirements included in this document.

   b. An annual hazard inventory of industrial and other work operations shall be conducted to identify health hazards and to assess the adequacy of protective measures intended to prevent disease and illness.

4-F.2.c. Personnel potentially exposed to health risks in the work environment shall be identified and given medical examinations or tests as specified in COMDTINST 6260.5 or by CG-294.

d. All operations or environments known or suspected to be health hazardous shall be evaluated periodically by qualified industrial hygienists. This shall be done by requesting assistance from Commandant (G-CSP) or by contract in accordance with Section G.3.

e. Inventories of toxic chemicals and other materials having toxic byproducts shall be developed; hazardous material data sheets shall be provided for each material identified, and this information shall be utilized to train workers and supervisors and also as a medical reference for emergency treatment.

f. Occupational health impact analyses shall be conducted during the planning stages of new operations or engineering projects and occupational health shall be a guiding criterion in project and operation planning.

g. A hearing conservation program shall be implemented in accordance with COMDTINST M5100.29 (old CG-405) (or CGSOH standards when developed) and CG-294.

h. Occupational health data shall be collected, maintained, and furnished to Commandant (G-CSP) as specified.

3. Functions of district and Headquarters units personnel organizational components are summarized below:

a. Develop written directions describing the occupational medicine program functions, operations, responsibilities and organization for the district or Headquarters unit.

b. Request of Commandant (G-CSP), through the chain of command, an industrial hygiene survey when medical evidence suggests exposure to health hazardous agents.

c. Ensure that the district or Headquarters unit Designated Safety and Health Official (DSHO) and the Command are advised whenever medical diagnosis suggests the possibility of occupational disease or illness (including hearing loss) in order that it can be properly investigated and reported.

d. Ensure that medical personnel attend occupational health short course training as specified by Office of Health Services (G-K) and that corpsmen conducting audiometric tests, attend an audiometric technican course meeting certification requirements of the Council for Accreditation of Occupational Hearing Conservation (CAOHC).

4-F.3.e. Identify resource requirements to support the occupational medicine program to Chief, Office of Health Services (G-K) and identify the request as OSHA-related.

f. Implement, as a minimum, an occupational medicine monitoring program to include Coast Guard employees working in health hazardous occupations, in accordance with 6260 series instructions and/or the Medical Manual (CG-294).

4. Functions of field Engineering and Public Works organizational components include the following in addition to those in E.3.

a. Assist the district or Headquarters unit Safety and Occupational Health Manager, as required, to conduct semi-annual operational tests of all ventilation systems used for health hazard control. Examples of such systems include but are not limited to those used in paint spray booths, abrasive blasting booths, open surface tanks, welding fume control systems and laboratory hoods. Evaluation criteria and standards are referenced in Section D(2). The district or Headquarters unit Safety and Occupational Health Manager shall be advised when operational deficiencies are identified so that immediate corrective action may be initiated including any necessary interim measures to protect personnel. Copies of test data shall be maintained at the district or Headquarters unit for a period of 5 years after which it should transferred to the Records Center. Design industrial ventilation projects under the supervision of a professional engineer with expertise in industrial ventilation. This training is available by attending an industrial ventilation short course such as that presented at the Kellogg School for Continuing Education, Michigan State University.

b. Initiate and implement noise abatement programs upon identification of hazardous noise sources by Coast Guard Safety and Occupational Health personnel.

G. INDUSTRIAL HYGIENE PROGRAMS AT DISTRICTS AND HEADQUARTERS UNITS.

1. Industrial Hygiene Functions. All industrial hygiene evaluations and studies will be conducted by or under the direction of industrial hygienists who are eligible for full certification by the American Board of Industrial Hygiene and who meet, as a minimum, civil service qualifications for industrial hygienist (GS-690). Health hazard identification and data collection aspects of the industrial hygiene program will be implemented in direct coordination with the Industrial Hygiene Staff (G-CSP-4) by qualified Safety and Occupational Health Managers at districts and Headquarters units having full-time staff; other Headquarters units shall assign and qualify the collateral duty safety officer or a PMT corpsmen. Where industrial hygienists are located within the field command, industrial hygiene programs concerned with the recognition, evaluation and control of occupational health hazards will be the responsibility of those individuals.

4-G.2. Qualifications for Personnel Performing Industrial Hygiene Functions. Personnel with responsibility for conducting industrial hygiene related functions shall complete the courses listed herein in order to meet qualification requirements.

a. Full-time Safety and Occupational Health Managers:

(1) NIOSH #549, Recognition, Evaluation and Control of Occupational Hazards.

(2) NIOSH #593, Industrial Hygiene Respiratory Protection.

(3) NIOSH #581, Industrial Noise.

(4) Safety professionals with minimal field experience shall preface these courses with NIOSH #510, Recognition of Occupational Health Hazards.

b. Collateral Duty Safety Personnel or Corpsmen with PMT Training:

(1) NIOSH #510, Recognition of Occupational Health Hazards.

(2) NIOSH #549, Recognition, Evaluation and Control of Occupational Hazards.

3. Contracting Industrial Hygiene Studies. Districts and Headquarters units may contract with private companies to provide industrial hygiene services as necessary. However, contract specifications must clearly set forth that work be performed by, or under the direct supervision of, hygienists certified by the American Board of Industrial Hygiene; and that industrial hygiene analytical tests shall be conducted in laboratories accredited under the American Industrial Hygiene Association (AIHA) Laboratory Acceditation Program. Districts and Headquarters units shall furnish an information copy of all industrial hygiene reports submitted by contractors to Commandant (G-CSP).

ATTACHMENT (I)
COAST GUARD SAFETY AND
OCCUPATIONAL HEALTH MANUAL

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CHAPTER 6 - HEARING CONSERVATION PROGRAM

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CHAPTER 6 - HEARING CONSERVATION PROGRAM

A. PURPOSE. This Chapter publishes guidance and delineates responsibilities for implementation of the Coast Guard Hearing Conservation Program.

B. SCOPE. This Program applies to all Coast Guard commands and activities and includes appropriate military and civilian personnel on duty for more than ninety days.

C. BACKGROUND.

1. Exposure of personnel to noise damages hearing. This has created major health and fiscal impacts on Coast Guard resources and results in a reduced mission capability. The Coast Guard's living and working environments contain many high intensity noise sources. The effects of noise-related hearing damage are irreversible and may not be noticed by an individual for many years. The Williams-Steiger Occupational Safety and Health Act (OSHA) specifies requirements to which this document is responsive. Implementation of the Coast Guard Hearing Conservation Program requires accomplishment of six action elements:

   a. Identify, assess, and designate hazardous noise sources.

   b. Determine extent and disposition of personnel exposed.

   c. Engineer methods to abate noise.

   d. Educate and advise personnel concerning hearing conservation.

   e. Monitor hearing test results using trained audiometric technicians.

   f. Require and fit personal hearing protection devices as necessary.

2. In accordance with Federal requirements, the program promulgated herein will standardize field operations in the development of hearing conservation; but, more importantly, it will form the working basis for protecting Coast Guard personnel from the serious personal effects of hearing loss.

D. NOISE STANDARD. Based on current knowledge, continuous noise levels exceeding 85dBA and impact noises exceeding 140dB are considered hazardous.

E. GENERAL RESPONSIBILITIES.

1. Responsibilities at Headquarters.

   a. The Chief of Staff, as the Designated Safety and Health Offical for the Coast Guard, is responsible for providing overall direction and policy guidance for the Hearing Conservation Program.

6-E.1.a.(cont'd) The Chief Safety Programs Division (G-CSP), as support Program Manager for the Safety and Occupational Health Program, assists the Chief of Staff by recommending policy, criteria and standards. In addition, the Safety Programs Division is responsible for ensuring that all elements of the Program are properly coordinated and monitoring the performance of other activities in implementing their responsibilities. Technical guidance and assistance will be provided by the Safety Programs Division to other activities to assist in implementing the requirements of this Chapter.

b. The Chief Office of Health Services (G-K) shall provide guidance, instruction, and assistance to field units in the development and implementation of the medical requirements in hearing conservation. They shall be responsible to ensure that reference audiograms are obtained, that personnel exposed to hazardous noise receive annual audiograms, and that personnel whose audiograms reveal abnormalities are properly referred for treatment. In connection with these responsibilities, procedures shall be established to ensure that audiometric testing booths are certified, that audiometers are accurately calibrated, and that medical personnel responsible for conducting audiograms are properly trained and qualified. An annual report shall be forwarded to Commandant (G-CSP) identifying by District the number of hearing loss cases observed, and the age and military rate or civilian job title of those affected as well as the total number of medical boards for hearing loss resulting in disability retirement, RCS-G-CSP 1118 applies.

c. The Chief Office of Engineering (G-E) shall ensure that in the design, development, construction, or alteration of all vessels and shore facilities, appropriate and feasible acoustical engineering principles are applied to reduce or eliminate hazardous noise.

2. Responsibilities at Districts and Headquarters Units.

a. District commanders and commanding officers of Headquarters units are responsible for ensuring that an effective hearing conservation program is promulgated within their jurisdiction in accordance with requirements herein. The following information shall be maintained and submitted to Commandant (G-CSP) as indicated:

(1) One copy of the first sound level survey form (CG-5139) completed for each hazardous noise area or operation. Survey forms completed during each quarter shall be submitted at the end of the quarter. Thereafter follow-up survey forms shall not be forwarded to Commandant (G-CSP) unless specifically requested. A copy of all survey forms shall be maintained at the appropriate district or Headquarters unit safety and occupational health office for a period of five (5) years at which time they shall be transferred to the Records Center.

6-E.2.a.(2) An annual report to include total hearing loss compensation cases paid, amount of each award and the age and job title of each claimant. This information shall be forwarded to Commandant (G-CSP).

b. Safety and Occupational Health Managers shall manage and coordinate the Hearing Conservation Program in their jurisdiction and as a minimum, conduct an annual environmental sound level survey to identify and monitor noise hazardous areas and personnel exposed in accordance with Section G. They shall certify all audiometric booths within their district, in accordance with Section H. They shall ensure hazardous noise signs or labels are posted in accordance with Section I. When occupational hearing loss is identified, Safety and Health Managers will ensure that an accident/injury report is filed. Assistance in meeting these requirements should be provided to Headquarters units upon request.

c. Engineering and Public Works Divisions shall initiate and implement noise abatement programs upon identification of hazardous noise sources by Coast Guard Safety and Occupational Health Managers. They shall further ensure that adequate measures for noise abatement have been considered in the location and design of all facilities and equipment proposed for new construction or modernization.

d. Medical personnel are responsible for conducting audiometric testing of noise exposed personnel in accordance with the Medical Manual (CG-294) and shall advise the command in writing when individuals with hearing loss are identified. They shall maintain biological calibration records and schedule certification of audiometric booths as necessary. They shall fit hearing protective devices, counsel each wearer, and maintain an adequate supply of such devices on hand. These duties shall be performed by personnel who have completed a Hearing Conservation Technicians Course meeting requirements of the Council for Accreditation in Occupational Hearing Conservation (CAOHC).

3. Responsibilities of Unit Commanding Officers and Officers-in-Charge: Unit commanding officers and officers-in-charge shall ensure that personnel under their command are aware of hazardous noise sources and environments and are adequately protected. When personnel having hearing loss are identified unit commanding officers and officers-in-charge shall take appropriate action to eliminate further unprotected occupational exposure by removal from the hazardous environment or strict enforcement of the requirement to wear hearing protection. In all cases of noncompliance, the command shall consider disciplinary action as a corrective measure against the offender and the supervisor, as appropriate.

F. AUDIOMETRIC TESTING. Reference audiograms shall be obtained for military personnel upon entry into the service and for civilian personnel before

64-401 O - 80 - 36

6-F.(cont'd) being placed in jobs where hazardous noise exposure occurs. All personnel, military or civilian, who are exposed routinely to hazardous noise shall be given a monitoring audiometric test at least annually. Military personnel and civilians working in noise hazardous jobs shall be given a pretermination audiometric test prior to leaving Coast Guard service/employment. Audiometric testing shall be done in accordance with procedures in the Medical Manual (CG-294).

G. SOUND LEVEL SURVEYS.

1. Annual surveys will be conducted in all hazardous noise suspected areas to obtain current information required in the Sound Level Survey Form (CG-5139). Safety and Occupational Health Managers, and other qualified personnel designated by the commanding officer shall conduct these surveys. Other designees shall be qualified by completing the National Institute For Occupational Safety and Health (NIOSH) course #510 or #549 or equivalent training approved by letter request to Commandant (G-CSP).

2. Sound Level Survey Form (CG-5139) is designed for use with a Type I or II (ANSI) calibrated sound pressure level meter (SPL Meter). Completed sound level survey forms shall be maintained at the District or Headquarters unit for a period of five (5) years at which time they shall be forwarded to the Records Center. Submit one (1) copy of each completed survey form to Commandant (G-CSP) during the week following the end of the quarter in which the survey was accomplished.

3. Personnel identified as exposed to hazardous noise during sound level surveys shall be identified in writing to the medical department for inclusion in the occupational health medical monitoring program. Local commands shall locate caution signs and labels to designate noise hazards disclosed by sound level surveys.

4. Specific Instructions for Completing Sound Level Survey Forms (CG-5139) (SN 7350-01-GF2-6180), RCS-G-CSP-1117. (See Figure 1).

   a. Enter the data required for the calibrator and sound pressure level meter.

   b. Indicate whether this is an initial survey, re-survey, or other type.

      (1) initial survey is the first survey taken of an area or operation suspected to produce hazardous noise.

      (2) re-survey is a follow-up of the initial survey conducted at least annually.

      (3) other is a survey associated with engineering treatment, or done on special request.

Figure 1

SOUND LEVEL SURVEY

Sound Level Meter		Calibrator					
mfg: General Radio		mfg: General Radio		X initial survey	re-survey		other
model: S-171-A	type: II	model: B-197		X Indoor		Outdoor	
SN: 96430B		SN: 0024		Wind Screens Will Be Used On All Measurements Indoors and Outdoors			
date calibrated: 23 Jan. 78		date calibrated: 23 Jan. 78					

Illustrate reverse side with description of area where noise survey is conducted

Identify Specific Noise Sources or Noise Hazardous Area	Meter Action F / S	dBA reading	dBC reading	Type of Noise S-Continuous I-Intermittent	Full Name, Rate and Job Title of Exposed Personnel	Civilian C / Military M	Plugs ☐ Muffs ☐ None ☐	Mo. Yr of Last Audio Check Lic
(A) Electric Generator	F	106	108	S	① DC3 John Blue	M	☒ ☐ ☐	2/75
(B) Electric water pump	S	99	97	I	② DC3 Joe Green	M	☐ ☐ ☒	unk. /
					③ Mechanic Mr. Thomas White	C	☐ ☐ ☐	7/75
					④		☐ ☐ ☐	/
					⑤		☐ ☐ ☐	/
					⑥		☐ ☐ ☐	/
					⑦		☐ ☐ ☐	/
					⑧		☐ ☐ ☐	/
					⑨		☐ ☐ ☐	/
					⑩		☐ ☐ ☐	/

More detailed noise evaluation required ☒ yes ☐ no (if yes, state which type evaluation needed)

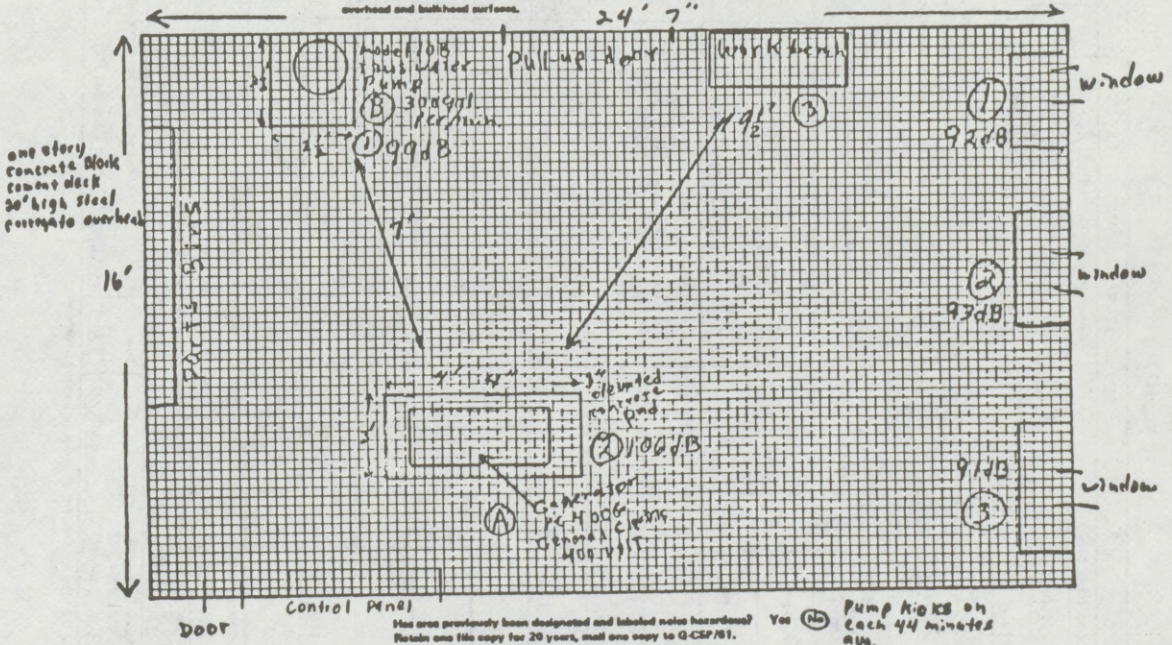
dosimeter, L(eq) for entire building

Name and title of supervisor notified	Plans or comments re: workers or area or noise sources (5)			
DCC Melvin Gray	Possible Partitions around desks needs audiogram			
Unit Name, location and DPFAC: CG Waterworks, Base Podunk, Iowa 09266, 02-88626	Time: 1350	Date: 23Jan.78	Name and title of person taking survey: J. Doe S&OH mgr.	District HQ Unit: 2

Copy to G-CSP/61, copy for files, list of names to Medical Department

DIAGRAM OF AREA AND OPERATIONS

Instructions: Include a diagram of the operation or work area; indicate the primary noise source by a circled "A", and secondary noise sources by circled "B" etc.; workers shall be identified by circled numbers indicating relative position(s) to the noise source which should coordinate with names of exposed workers on the reverse side of the form. One number may appear on the diagram several times if the employee moves to two or more positions having differing sound levels. Identify: type of machinery, model number, manufacturer, dimensions, kind of dash, overhead and bulkhead surfaces.



Has area previously been designated and labeled noise hazardous? Yes (No)

Retain one file copy for 20 years, mail one copy to G-CSF/81.

Noise exposed personnel list must be transmitted to medical department for monitoring.

Pump kicks on each 44 minutes avg.

6-G.4.c. Indicate whether measurements are made indoors or outdoors.

d. Identify each noise source or noise hazardous area. If the entire room or area is noisy, list it (i.e. forward engine room). When noise sources present a hazard only in the immediate vicinity list the source separately.

e. Indicate whether the meter is in the fast or slow position. Most measurements will be made in the slow position because it is easier to read.

f. Measure and record the A-weighted and C-weighted sound pressure levels at the normal operator position, ear height. The instrument should be held at arms length and at a 90 degree angle to the source. Where noise varies throughout an area, write the average and high-to-low range.

g. Indicate whether noise is continuous (S) or intermittent (I); e.g., engines at a constant speed produce continuous noise; hammering, shearing or weapons firing produce intermittent noise.

h. For each hazardous noise source or area record the full name of all personnel exposed. Submit the list to the local medical department for monitoring.

i. Indicate for each person listed whether they are civilian (C) or military (M).

j. For each person listed indicate the type of hearing protection worn, if any, and date (mo./yr.) of last known audiogram.

k. If a more detailed survey is needed indicate the type recommended and submit a copy of the noise survey with a written request to Commandant (G-CSP).

l. Indicate the name of the foreman, section chief, or other supervisory person in charge of the area.

m. Include in the space provided any additional information pertinent to the work area, workers exposed, or the noise sources.

n. State the name, location and OPFAC of the unit surveyed; the time and date of the survey; surveyor's full name and title and the district or Headquarters unit where the facility is located.

o. READ THESE DIRECTIONS AND COMPLETE THE REVERSE SIDE OF THE FORM.

(1) Include a diagram of the operation or work area; indicate the primary noise source by a circled "A", and secondary

6-G.4.o.(1)(cont'd) noise sources by circled "B" etc.; workers shall be identified by circled numbers indicating relative position(s) to the noise source which should coordinate with names of exposed workers on the reverse side of the form. One number may appear on the diagram several times if the employee moves to two or more positions having differing sound levels. Identify: type of machinery, model number, manufacturer, dimensions, kind of deck, overhead and bulkhead, etc.

H. CERTIFICATION OF AUDIOMETRIC BOOTHS.

1. Audiometric booths will be certified before initial use and re-certified every three years thereafter. Existing booths shall be certified during the next regularly scheduled visit by the Safety and Occupational Health Manager. An Audiometric Booth Certification Label (SN 7530-01-GF2-5930) shall be issued for all booths meeting certification criteria listed below, to be attached to the lower right corner of the window and be readable from the outside.

2. Audiometric booths will be inspected and tested by Safety and Occupational Health Managers in accordance with the following criteria:

   a. Ambient noise levels in rooms where booths are located shall not be greater than 65 dBC.

   b. Interior booth noise levels shall not exceed 40 dBA with the door closed.

   c. Door and window seals and glass are in good condition. Door hinges shall be inspected to assure that they are in good operating condition and adequately lubricated.

I. POSTING REQUIREMENTS FOR NOISE HAZARDS. When conducting noise surveys, Safety and Occupational Health Managers or other designated personnel will identify hazardous noise sources and areas to the command and provide data for completing caution signs. Commanding officers shall ensure that all hazardous noise areas and hazardous noise producing implements are properly labelled or posted accordingly.

1. Specific Instructions for Posting/Labelling:

   a. A 1-1/2 x 1 inch caution label (SN 7530-01-GF2-8320) will be affixed in a conspicuous location to all portable equipment, power tools, etc., which are capable of producing hazardous noise.

6-I.1.b. An 8x10 inch caution sign (SN 7530-01-GF2-8330) or in lieu, an appropriately larger copy of the sign will be conspicuously posted on or near stationary equipment, tools etc., which are capable of producing hazardous noise.

c. Where hazardous noise pervades the entire work area (room, compartment, shop, etc.) all entrances to the area shall be posted with the caution sign.

2. Instructions for Completing Caution Sign:

a. For stationary sources measure the distance in feet from the source to the point where noise levels approximate 85dBA and enter this figure in the space provided.

b. When posting work areas (rooms, compartments, etc.) determine the range of the measured noise:

85-108 dBA
109-118 dBA
greater than 118 dBA

c. Write the lower number of the appropriate range in the box at the right of the sign.

PAUL J. BURNSKY
President
General Offices:
AFL-CIO Bldg.
815 16th Street, N.W.
Washington, D.C. 20006
Tele. 202-347-7255

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Metal Trades Department

American Federation of Labor and Congress of Industrial Organizations

October 15, 1979

Honorable Joseph M. Gaydos, Chairman
Committee on Education and Labor
Subcommittee on Health and Safety
B-345A, Rayburn House Office Building
Washington, D. C. 20515

Dear Chairman Gaydos:

This will acknowledge your correspondence dated September 7, 1979 requesting additional information from the Metal Trades Department with regard to the testimony presented before the Subcommittee on Health and Safety on May 14, 1979.

Accordingly, please find enclosed the following materials:

Transcript, page 24: Copy of the memorandum dated July 19, 1976 from the officer in charge of the Naval Legal Service Office, Naval Base, Norfolk, Virginia, to the Commanding Officer, Norfolk Naval Shipyard, Portsmouth, Virginia.

Transcript, page 47: Copies of reports of the investigation requested by Dr. Bingham, which occurred during November of 1978. Please note that one report was issued by the Office of the Assistant Secretary of Defense and the other report was issued by the U. S. Department of Labor, OSHA, Long Beach, California area office.

Transcript, pages 33 and 34: Copies of misleading safety reports from Naval management and evidence showing how records have been falsified. With regard to the aforementioned, enclosed please find a copy of correspondence, dated October 11, 1979, forwarded to this office by the Bremerton Metal Trades Council at Puget Sound Naval Shipyard. Please note that reference is made to the attachment to the enclosed correspondence in paragraph three stating: "We feel that reports of this type are misleading simply because they fail to reflect the many federal employees on limited duty as a result of physical limitations received through industrial injury or illness."

Metal Trades Department
American Federation of Labor and Congress of Industrial Organizations

Please note further that in paragraph four, the Council indicates reasons therein as to the problem of obtaining "altered safety documents."

With kind regards, I remain

Sincerely,

Saul S. Stein

Saul S. Stein
Research and Education Director

SSS/j

Enclosures

NAVAL BASE
NORFOLK, VIRGINIA 23511

Code 211/1500
19 JUL 1976

From: Officer in Charge
To: Commanding Officer, Norfolk Naval Shipyard, (Attn: Director, Industrial Relations Office), Portsmouth, Virginia 23709

Subj: Memorandum: Civil Liability of Government Employees

Ref: (a) NNSY Portsmouth Va. ltr NY6/5100(185) of 10 MAY 1976

Encl: (1) Memorandum of Law - Civil Liability of Government Employees

1. Enclosure (1) is forwarded pursuant to the request submitted by reference (a). It reflects the apparent status of the relevant law, is provided for information only, and should not be applied in any manner without guidance from appropriate authority.

M. F. FASANARO, JR.

Code 211/1500

19 JUL 1976

MEMORANDUM OF LAW

CIVIL LIABILITY OF GOVERNMENT EMPLOYEES

1. Background. By letter of 10 May 1976, Director, Industrial Relations, Norfolk Naval Shipyard requested information concerning the question of liability of civilian employees of the Norfolk Naval Shipyard in civil damage suits for damage to or loss of property or personal injury or death suffered on the job, and whether the United States government would, in such event, provide legal representation to defend the action. This reply is wholly informative in nature in the absence of specific facts which might alter or color the definition of law in a particular context.

2. Applicable Law. As a general rule, civilian employees of the United States government are not immune from civil suit for acts or omissions incurred within the scope of their employment. The only immunity available by statute or common law is that specifically accorded (1) drivers of government vehicles by the Federal Driver's Act 28 U.S.C. 2679(b) and (2) individuals who in the discretion of their official duties make decisions on matters of policy, the so-called "discretionary function" immunity accorded by the Federal Tort Claims Act 28 U.S.C. 2680, and case law, Barr v. Matteo, 360 U.S. 564 (1959). Thus, a foreman or safety engineer who was wrongful or negligent in the specific performance of his duties, thereby causing either damage to or loss of property or personal injury or death to another employee or third party, would not be immune from a civil lawsuit for monetary damages.

3. Current Procedure for Representation. Although a civilian employee is individually liable for his own wrongful or negligent act or omission, the United States customarily provides legal representation because of the accepted legal doctrine of respondeat superior, i.e., the master is responsible for acts of his servant or employees. Legal representation will be provided so long as the employee was acting "within the scope of his employment." If a court renders a judgment against the civilian employee, the employee must satisfy that judgment from his own resources. Usually, the government will consider assisting with commensurate relief by supporting a private bill for the amount in the United States Congress.

4. Additional Considerations. As a practical matter, the likelihood of such a lawsuit is diminished by at least two practical legal considerations. First, individual civilian employees do not normally possess financial resources from which a judgment can be satisfied. Plaintiffs will

Enclosure (1)

therefore first seek to recover from the United States, equipment manufacturers, contractors, or subcontractors, depending on the facts of the case. Second, in instances of personal injury to or death of a fellow employee acting within the scope of his employment, the defendant employee will probably be granted immunity. This is because the United States is immune under the Federal Tort Claims Act which excludes any claim for personal injury or death of a government employee to whom the Federal Employee's Compensation Act (FECA) (5 U.S.C. 7901-7903, 8101-8193 is applicable. Most courts have held defendant employees to be likewise immune under the doctrine of respondeat superior. However, in cases involving third parties, or damage to or loss of property, the United States and individual employees are generally not immune. Informally, attorneys in the Judge Advocate General's Claims and Litigation sections do not recall any recent cases where a Navy civilian foreman or safety engineer has been held civilly liable for act or omissions within the scope of his or her employment. If a more specific or detailed response is desired, it is suggested that inquiry be made to the Office of Civilian Manpower Management who may wish to seek further advice from the Judge Advocate General.

5. Conclusion.

a. As a general rule, shipyard employees who are wrongful or negligent in the specific performance of their duties are not immune from civil lawsuits for monetary damages.

b. The United States may become a party and customarily will provide legal representation to defend against such lawsuits, however, any judgment entered against an employee is payable from his own financial resources.

c. As a practical matter, such lawsuits are unlikely because of the usual lack of resources from which to satisfy a judgment and the limited immunity accorded the employee in most cases involving personal injury to or death of a fellow employee.

AUG 28 1979

Dr. Jerrold L. Abraham
School of Medicine
Department of Pathology
University of California,
San Diego
La Jolla, California 92093

Dear Dr. Abraham:

This is forwarding the Department of Defense report on its investigation of the asbestos exposures aboard the U.S.S. Ajax in San Diego. The report states there were no over-exposures to asbestos for Navy personnel aboard the Ajax. All ripout operations, according to the Navy's investigation, were performed by a trained properly protected asbestos ripout team.

We appreciate your concern for providing safe and healthful working conditions for Federal employees.

Sincerely,

Clinton M. Wright, Director
Directorate of Training, Education,
Consultation and Federal Agency Programs

Enclosure

OEFT/AWhite:gas 8/6/79
Rewritten/CMWright/btb/8-27-79
cc: Wright
Day file
Case file N09-005-1148
RA Region IX ATTN: Fairburn

7/24/79
Burdick

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301

MANPOWER,
RESERVE AFFAIRS
AND LOGISTICS

24 JUL 1979

Ms. Clinton M. Wright
Director, Training, Education, Consultation,
and Federal Agency Programs
Occupational Safety and Health Administration
Department of Labor
Washington, D.C. 20210

Dear Ms. Wright:

This is in reply to your undated letter concerning federal employee report number N09-005-1148.

The issues were allegations that U.S. Navy personnel were exposed to asbestos aboard the U.S.S. Ajax without approved personnel protective equipment, and that an OSHA inspector was denied timely entry aboard the U.S.S. Ajax.

I have enclosed the Navy's investigative findings, which refute those allegations. Once the OSHA inspector presented his credentials to appropriate Navy authorities, his request was granted. He began his inspection at 1:45 PM and completed his work at 3:00 PM. No violations were noted.

We believe that the Navy's investigation of this complaint is adequate, and that there is no further action necessary.

Thank you for bringing this matter to our attention.

Sincerely,

George Marienthal
Deputy Assistant Secretary of Defense
(Energy, Environment & Safety)

Enclosure

Investigative Findings Relative to
Federal Employee Report No. N09-005-1148
by the Supervisor of Shipbuilding (SUPSHIP), San Diego

A summary of the investigative findings into the allegations cited in Federal Employee Report No. N09-005-1148 is as follows:

a. With regards to the contents of Dr. J. L. Abraham's letter of 18 December 1978:

(1) The USS AJAX has a trained asbestos ripout team which conducts all ripout operations aboard the ship in accordance with appropriate Navy instructions and technical manuals and the team is provided with appropriate personal protective equipment and clothing for use during such operations.

(2) The Commanding Officer of the USS AJAX (AR-6) stated that no ship's force personnel were used to clean up asbestos material aboard the ship between the first appearance of the OSHA inspector and the start of his inspection approximately four hours later on 22 November 1978.

(3) There could not have been any asbestos ripout activities aboard the USS AJAX on 22 November since the vent ducting system was in the reassembly phase and was near completion with only two sections remaining to be connected. Therefore, the allegation that Navy personnel continued to ripout insulation without any respiratory protection whatsoever is without foundation.

(4) Investigative efforts by Supervisor of Shipbuilding (SUPSHIP) personnel in concert with the USS AJAX Commanding Officer, Executive Officer and Repair Officer were unable to identify any "gypsum board" type material aboard the ship. Further investigation into this question is considered impossible without a sample of the material provided to Dr. Abraham and/or information relative to the precise location on the ship from where this material is alleged to have come.

b. The San Diego Newsline article, "Navy Dusts Inspector", dated December 13-19, 1978, alleges that the Commanding Officer of the USS AJAX arrived and ordered the boarding party, consisting of the OSHA inspector and union officials, to get off his ship. To put this in proper perspective, the OSHA

inspector, Mr. Pitchforth, had not complied with the agreed to Department of Navy and Department of Labor policy concerning the conduct of OSHA inspections at Navy facilities/activities. This policy directs that Navy activities provide OSHA compliance officials access provided they present appropriate identification credentials and security clearances and provide sufficient notice to allow representatives of the commanding officer and contracting officer, in this case SUPSHIP San Diego, to accompany the OSHA Inspector during his inspection.

c. To ascertain what the environmental conditions were at the time of the OSHA investigation, the Commanding Officer had the air sampled by the Navy Environmental and Preventive Medicine Unit No. 5 (EPMU 5) immediately after the OSHA Inspector had departed. No air samples were taken by the OSHA Inspector. The EPMU 5 test results showed that the atmospheric concentration of fibers was well below the occupational health threshold limit value of 2.0 fibers/cc.

d. The records show that EPMU 5 took, at the request of the Commanding Officer, air samples on several other occasions during the ripout of the vent system from July - December 1978. These samples were consistently below the 2.0 fibers/cc limit.

JAN 14 1979

Dr. Merrold L. Abraham
School of Medicine
Department of Pathology
University of California, San Diego
LaJolla, California 92093

Dear Dr. Abraham

I want to thank you for making us aware of the asbestos problem aboard the U.S.S. Ajax at the San Diego Shipyard. We are very concerned about past and present exposures to asbestos for both private contractors and Federal employees in shipyards. We are extremely concerned about your report that after our inspector left the ship U. S. Navy personnel boarded and continued to rip out and clean up the asbestos without respiratory protection prior to our inspector's return and continuation of the inspection.

Jurisdiction over Federal employees, both military and civilian, is not divided. Section 19 of the Occupational Safety and Health Act of 1970 and Section 2 of Executive Order 11807 specifies that the head of each agency shall provide safe and healthful work places and conditions for its employees consistent with the standards set for the private sector. Therefore we have requested that the Deputy Assistant Secretary of Defense for Energy, Environment and Safety investigate to determine if private contractor, or Federal employees have been exposed to unhealthful levels of asbestos on the U.S.S. Ajax. We will inform you of any response received concerning these conditions. Any future correspondence will reference Federal Employee Report Number 109-005-1148.

Your interest in safe and healthful working conditions for Federal employees is greatly appreciated.

Sincerely,

Dula Bingham
Assistant Secretary
Occupational Safety and Health

Enclosure

Mr. George Marienthal
Deputy Assistant Secretary
(Energy, Environment and Safety)
Department of Defense
Pentagon, Room 3E352
Washington, D.C. 20307

Dear Mr. Marienthal:

The enclosed correspondence from Dr. Jerrold L. Abraham contains allegations that U.S. Navy personnel were exposed to asbestos aboard the U.S.S. Ajax in the San Diego Shipyard without being provided respiratory protection. Mr. Stewart Nelson of your office has been informed by telephone of the allegations.

We have requested from our field office a report on the November 22, 1978 inspection of the Ajax and will forward a copy for your information. Please investigate the allegations and report to us any actions taken referencing Federal Employee Report Number 109-005-1142.

Sincerely,

Clinton H. Wright, Director
Directorate of Training, Education,
Consultation and Federal Agency Programs

Enclosure

OPP/Whitehurst:1-19-79
cc: Day file
Case file 169-005-1148
Control 1519
Wright
White
Division file

MEMORANDUM FOR: Gabriel Gillotti, Regional Administrator

SUBJECT: Asbestos Exposure aboard U.S.S. Ajax

THROUGH: Donald Prochnow, Field Coordinator

FROM: Clinton Wright, Director
Directorate of Training, Education,
Consultation and Federal Agency Programs

Enclosed is correspondence for Dr. Donald L. Prochnow concerning exposure to asbestos aboard the U.S.S. Ajax in San Diego Shipyard. Please provide us with the report of the inspection on the Ajax along with any other pertinent background information on the inspection. We have informed the Department of Defense of the allegation and they are investigating. We are not requesting that you initiate further action at this time, however, we may decide to do so in the future. Your response should reference Federal Report Number 169-005-1148.

☐ Expedite

Sent Back _____ (date)

Author _____

Addressee JERROLD L. ABRAHAM, M.D.

Location UNIVERSITY OF CALIFORNIA, SAN DIEGO
(Company or Organization - See Correspondence Letterhead)

Date of Letter 12/18/78

Sec. Leg. Liaison Control No. _____

Signed by HAL 12/29/78 (date)

Due Back in Sec./LL on _____

Subject ASBESTOS EXPOSURE IN NAVY SHIPYARD

ROUTING

Forward to: OE

BINGHAM/WERNER/WHITING

For Signature of:

- Secretary of Labor ☐
- Legislative Liaison ☐
- Assistant Secretary BINGHAM ☐
- Deputy Assistant Secretary ☐
- Associate Assistant Secretary ☐
- ☐

(For Use of Control Unit)

Acknowledged _____ (date) Signed _____ (date) NAN _____ (initials/date)

Tickler File Copy

OSHA FORM 60
REV. MAY 75

OSHA 1/1/80 (p.m. mail) sg

1/2/79

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO · SANTA BARBARA · SANTA CRUZ

SCHOOL OF MEDICINE M-012
DEPARTMENT OF PATHOLOGY
LA JOLLA, CALIFORNIA 92093
Phone 714: 452-4320

December 18, 1978

Eula Bingham
Director of OSHA
Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

RE: Current asbestos exposure problem in San Diego shipyards

Dear Dr. Bingham:

Although it will probably come as no surprise to you, despite recent media attention and professional dissemination of information regarding asbestos, exposures and lack of worker protection continue. One such recent example here at the shipyards in San Diego and the inability of any regulatory agencies to effectively deal with it prompts me to write to you so that you are at least aware of the problem. The setting and some of the people involved are described in the enclosed newspaper clipping. I cannot personally vouch for any of the details in the paper but several people whom I respect have related essentially similar descriptions of the incident to me. What is not mentioned in the paper is that after the Union and OSHA inspector were asked to leave the ship, uniformed Navy personnel were brought in to clean up the asbestos, continuing to rip out insulation, without any respiratory protection whatsoever. The jurisdiction in the shipyards and on the ships is of course devided between California OSHA, Federal OSHA and the U.S. Navy. This does not help in dealing with such problems.

I can vouch for the identity of material brought to me for analysis. This was a sample of the insulation material being removed from the Ajax. It was gypsum board containing a high quantity of chrysotile asbestos. This, I have analyzed using electron probe microanalysis and scanning electron microscopy.

If I thought this were an isolated incident I would not bother you with it, but I think it may be worthy of your investigation.

I will help in any way possible. Best regards.

Sincerely yours,

Jerrold L. Abraham, M.D.

JLA/cl
Enclosure

SAN DIEGO NEWSLINE

SAN DIEGO NEWSLINE
and
BUSINESS INDUSTRIAL OUTLOOK

"It is the duty of the press to comfort the afflicted and afflict the comfortable." - H.L. Mencken

SAN DIEGO NEWSLINE and THE BUSINESS INDUSTRIAL OUTLOOK are published weekly, serving San Diego with news and analysis of local affairs. All content are Copyright 1978 by GAWN Inc. THE BUSINESS AND INDUSTRIAL OUTLOOK was declared a newspaper of general circulation by the Superior Court of the County of San Diego on June 26, 1974, Judgement No. N4453. That status was affirmed on March 15, 1978 by Judge Alfred Lord, Judgement No. 410977. Deadlines for all letters, advertisements, articles, and announcements is the Friday preceding Wednesday publication. All letters and comments are welcome. We are not responsible for unsolicited manuscripts. 3609 4th Ave., San Diego, CA 92103. (714) 295-2134.

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Navy dusts inspector

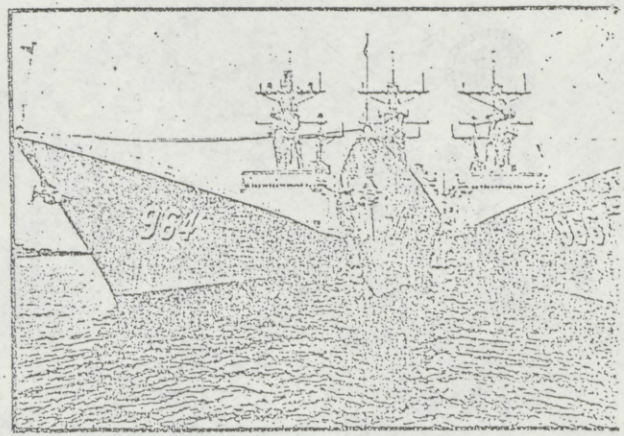
The USS Ajax 529 foot navy repair ship and one time destroyer tender commissioned in 1942 has been the source of a lot of shipyard controversy since it first laid up for repairs at the NASSCO shipyard early this fall.

The major incident to date occured on Wednesday November 22, the day before Thanksgiving when, after several weeks *(continued on next page)*

(continued from page 3)

of union petitioning, the federal Occupational Safety and Health Administration (OSHA) sent L.L. Pitchford, an L.A. based inspector, to investigate worker complaints of loose asbestos on board the 36 year old ship. It was 9:30 in the morning when the inspector boarded the Ajax with Ironworkers Business Agent Gus En Cherokee and several members of the union's safety committee. The asbestos was described by one observer as "laying loose all around the decking and around the ventilation ducts." Before a sample-taking could be completed however the commanding officer on board the Ajax arrived and ordered the boarding party off his ship, telling two of his armed officers to "make sure these people get off my boat."

The OSHA inspector reboarded four hours later, after establishing his credentials with 11th naval district headquarters, but by then the asbestos had been cleared up, according to Elaine Askari of the Union safety committee. While the final OSHA report has not been made public yet, the union has gotten independent confirmation of dangerous levels of asbestos on board the ship according to Askari. Last week as the aging 1,250 crew ship was being refitted for further service a gas explosion was reported to have taken place on board. No one was hurt this time. ■



While the Navy brags about it's latest high-technology weapons systems many older shi Second World War continue operating despite safety problems. One solution tri month on board the USS Ajax – kick the safety inspector off the boat.

APR 2 1979 3/30/79 Rec'd Gillotti

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
WASHINGTON, D.C. 20210

Copy to:
1) Basil White
2) Hays Bell/Phil Brown
3) Karen Mann
RAC for DEIM OFC

MEMORANDUM FOR: Gabriel Gillotti, Regional Administrator

SUBJECT: Asbestos Exposure aboard U.S.S. Ajax

THROUGH: Donald MacKenzie, Field Coordinator

FROM: C. Wright for CLW
Clinton Wright, Director
Directorate of Training, Education
Consultation and Federal Agency Programs

Enclosed is correspondence for Dr. Jerrold L. Abraham concerning exposure to asbestos aboard the U.S.S. Ajax in San Diego Shipyard. Please provide us with the report of the inspection on the Ajax along with any other pertinent background information on the inspection. We have informed the Department of Defense of the allegation and they are investigating. We are not requesting that you initiate further action at this time, however, we may decide to do so in the future. Your response should reference Federal Report Number N09-005-1148.

See attached.

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
LONG BEACH AREA OFFICE

400 OCEANGATE, SUITE 530
LONG BEACH, CALIFORNIA 90802

DATE: March 27, 1979

MEMORANDUM FOR: Mr. Gabriel J. Gillotti, Regional Administrator

FROM: B. L. Tibbetts, Area Director

Federal Report No. N09-005-1148

SUBJECT: Asbestos Exposure Aboard USS AJAX

Referring to your request of March 20, 1979 for our report on subject asbestos exposure, this involved an inspection at the National Steel and Shipbuilding Company, San Diego, California, DOL #110-79, P-2996.

A copy of the complete report on the inspection, with other pertinent correspondence, is enclosed.

Enclosure

March 14, 1979

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

J. A. Brill, Acting Quality Assurance Officer
Department of the Navy
Supervisor of Shipbuilding, Conversion and Repair, USN
Naval Station, Box 119
San Diego, CA 92136

Re: Disclosure Request, National Steel & Shipbuilding Company
DOL #P-2996 - 110-79

Dear Mr. Brill:

Enclosed is a copy of the investigative report per your request of March 5, 1979 in the referenced matter.

The information you have requested is contained in an investigatory file compiled for law enforcement purposes. Information in investigatory files may be withheld under Exemption 7 of the Freedom of Information Act. It has been determined, however, that it will further the public interest and will not impede the discharge of the Department's functions to release information in this case.

If we can be of further assistance, do not hesitate to call on us.

Sincerely

B. L. TIBBETTS
Area Director

Encl.

cc.- Raleigh, N.C.
H. Fairfax, IV

1. NAME AND TITLE OF REQUESTER S. A. Trill, Acting Quality Assurance Officer	2. ADDRESS (No. and Street, City, State, and ZIP Code) Department of Labor, OSHA, SupSHip Naval Station, Bldg. 719 San Diego, CA 92136
3. TELEPHONE NO. (Number of Extension) 714-235-2503	4. OFFICE AND CITY WHERE RECORD IS LOCATED Long Beach Area Office - OSHA, Long Beach, CA
5. DATE REQUEST RECEIVED 3/5/79	6. TYPE OF REQUEST ☒ Letter ☐ In person ☐ Other (specify)
7. ACKNOWLEDGMENT DATE 3/14/79	
8. ADDITIONAL RESPONDING OFFICE(S) (If any)	
9. FILE AND/OR DESCRIPTION OF RECORD National Steel & Shipbldg Co., DOL #110-79, P-2996	
10. AGREE TO PAY $	11. SIGNATURE Letter attached
12. DATE SIGNED 3/5/79	

SECTION II. DOL AGENCY ACTION

13. DATE AUTHORIZATION RECD.	14. REPLY DATE 3/14/79	15. REQUEST COMPLETED BY— ☒ Letter ☐ Office Examination ☐ Photocopies ☐ Other
16. DECISION ☒ Granted ☐ Partial ☐ Denied ☐ No Identifiable Record	17. BASIS FOR PARTIAL GRANT OR DENIAL	

18. NAME AND TITLE OF DISCLOSURE OFFICER
Assistant Area Director,
Ellen E. Karsen for B. L. TIBBETTS, AREA DIRECTOR

19. ACCOUNTING INFORMATION

	ESTIMATED COST	ACTUAL		CHARGEABLE COST	
		Non-Chargeable	Chargeable	Rate	Amount
a. Search - Time - Work Hours Clerical or Clerical	$	Hrs.	Hrs.	$	$
b. Professional or Supervisory	$	Hrs.	Hrs.	$	$
c. Additional Search Costs - Others	$		$		$
d. Search of Computerized Records - Work-Hours	$	Hrs.	Hrs.	$	$
e. Copying Fee - Number of Pages	$	Pgs.	Pgs.	$	$
TOTAL →	$			TOTAL CHARGEABLE →	$
				AMOUNT FORWARDED TO ACCOUNTING OFFICER →	$

ALL FEES WAIVED (Check box) ☒

☐ DISCLOSURE OFFICER ☐ AGENCY FOIA COORDINATOR (Submit 2 copies, if partial or denied)
☐ COMPTROLLER

DL 1 1

DEPARTMENT OF THE NAVY
SUPERVISOR OF SHIPBUILDING, CONVERSION AND REPAIR, USN
NAVAL STATION, BOX 119
SAN DIEGO, CALIFORNIA 92136

IN REPLY REFER TO:
301:JAB:pw
5100
5 March 1979



Mr. B. L. Tibbetts
OSHA Suite 530
Union Bank Building
400 Ocean Gate
Long Beach, CA 90802

Dear Mr. Tibbetts:

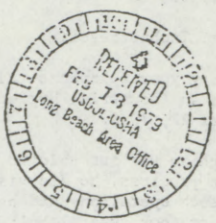
This office requires a copy of your file for USS AJAX (AR-6) concerning asbestos related investigation of 18 January 1979. Please provide copy of said file.

Sincerely,

J. A. BRILL
Acting Quality Assurance Officer



NATIONAL STEEL AND SHIPBUILDING COMPANY



12 February 1979

Mr. B. L. Tibbetts
U. S. Department of Labor
Occupational Safety & Health Administration
Long Beach Area Office
400 Oceangate, Suite 530
Long Beach, California 90802

Dear Barney:

I thought you might like some copy. Here is an item that was passed out at our gate about 5 February 1979.

This was distributed by the Machinists and not the Iron Workers. The Machinists Chief Shop Steward disclaims any knowledge of this item. This uses the IAM letter head but it is really the Health & Safety Committee which is segments of several unions.

Sincerely,

NATIONAL STEEL & SHIPBUILDING COMPANY

Frank R. Darling
Safety Manager

FRD:eav

January 26, 1978

Mr. Reynaldo L. Inchaurregui
Local 627 Ironworkers
333 Broadway, Ste A
Chula Vista, CA

Dear Mr. Inchaurregui:

Following your telephone call the afternoon of November 21, 1978 we were able to have an Industrial Hygienist make an inspection aboard the USS AJAX on November 22, 1978.

Although he was not able to observe any asbestos removal operations, as none were in progress, he did visit the areas pointed out by your Union Steward where such operations had been suspected to have occurred. Our Industrial Hygienist took several bulk samples of material and had them analyzed for asbestos by the OSHA Laboratory in Salt Lake City. All of the overwrap cloth samples were found to contain no asbestos. The only asbestos-containing material was the rope packing. The insulation underneath the cloth appeared to be fibrous glass. Of four other samples which were given to our Industrial Hygienist, one was asbestos cloth.

He found no conditions which were in violation of our asbestos standards. The inspection results were conveyed to the employer and to your Union Stewards in Closing Conferences held on January 16, 1979.

We do appreciate your anxiety over possible exposures to asbestos and certainly want to work with you to see that asbestos-containing insulation and materials are handled in a safe manner. I am enclosing a new OSHA pamphlet entitled, "Health Hazards of Asbestos" which should prove interesting.

Should you have any questions about asbestos or any other material or condition in the workplace, we will be pleased to answer your questions, provide educational materials that we have, or make workplace inspections if they are necessary to insure safe and health ful working conditions.

Sincerely,

B. L. TIBBETTS
Area Director

Encl.

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
ANALYTICAL LABORATORY
390 WAKARA WAY
SALT LAKE CITY, UTAH 84108

FTS 588-5287 524-5287
Area Code: 801

RECEIVED JAN 8 1979 Long Beach Area Office

January 4, 1978

Mr. Lehi Pitchforth
USDOL - OSHA
400 Oceangate, Suite 530
Long Beach, CA 90802

Dear Mr. Pitchforth:

Enclosed are copies of the Sample Identification Sheets and results for samples no. A-15510 through A-15516 (field samples no. SD-11-1 through 9).

Sincerely yours,

Floyd A. Madsen

Floyd A. Madsen
OSHA Lab. Director

Enclosures

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	U. S. DEPARTMENT OF LABOR
STREET AND NO.	OSHA LABORTORY P. O. BOX 8137
P.O., STATE, AND ZIP CODE	SALT LAKE CITY, UTAH 84108 ATTN: FLOYD MADSEN

POSTMARK OR DATE

No. 988503

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1. Shows to whom and date delivered ..... 15¢
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2. Shows to whom, date and where delivered .. 35¢
With delivery to addressee only ..... 85¢

DELIVER TO ADDRESSEE ONLY ..... 50¢

SPECIAL DELIVERY (extra fee required) .....

PS Form 3800 Apr. 1971

NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL

(See other side)

* GPO : 1972 O - 460-743

U.S. Department of Labor
Occupational Safety and Health Administration

ANALYST WORKSHEET

-1

1. NUMBER	2. SEALS	3. DATE RECEIVED
510	☒ BROKEN ☐ INTACT ☐ NONE EHL	11/27/78
FROM hforth		5. REGION IX

DESCRIPTION OF SAMPLE Bulk

NATURE OF ANALYSIS VISUAL MICROSCOPIC ANALYSIS

Asbestos = NONE DETECTED

RESERVE SAMPLE

10. WEIGHTED BY AND/OR 10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979		JAN 04 1979

Form OSHA - 21
Rev. 12/71

201 (C.F.)

Occupational Safety and Health Administration

ANALYST WORKSHEET

D-11-5

1. SAMPLE NUMBER	2. SEALS	3. DATE RECEIVED
1-1551	☒ BROKEN ☐ INTACT by EHL ☐ NONE	11/27/78

4. RECEIVED FROM	5. REGION
Pitchforth	IX

6. DESCRIPTION OF SAMPLE: Bulk

7. SUMMARY OF ANALYSIS: VISUAL MICROSCOPIC ANALYSIS

Asbestos = NONE DETECTED

8. RESERVE SAMPLE

9. DATE REPORTED	10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979	[signature]	D. E. Peterson	JAN 04 1979

Form OSHA - 21
Dec. 1972

64-401 O - 80 - 38

U.S. Department of Labor
Occupational Safety and Health Administration

ANALYST WORKSHEET

1. SAMPLE NUMBER	2. SEALS	3. DATE RECEIVED
512	☐ INTACT ☒ BROKEN by EHL ☐ NONE	11/27/78

VED FROM	5. REGION
lforth	IX

TION OF SAMPLE	Bulk

RT OF ANALYSIS VISUAL MICROSCOPIC ANALYSIS

Asbestos = NONE DETECTED

RVE SAMPLE

9. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
[illegible]	D. E. Peter	JAN 04 1979

Form OSHA - 2[illegible]

Occupational Safety ...

ANALYST WORKSHEET

11-6

15513	5. SEALS ☒ BROKEN by EHL ☐ INTACT ☐ NONE	3. DATE RECEIVED 11/27/78
RECEIVED FROM: Litchforth	5. REGION IX	

DESCRIPTION OF SAMPLE: Bulk

SUMMARY OF ANALYSIS: VISUAL MICROSCOPIC ANALYSIS

Asbestos = 60% chrysotile

REMARKS: RETAIN SAMPLE

9. DATE REPORTED	10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979	Leslie Tomaras	E. E. Peterson	JAN 04 1979

Form OSHA - 21
Dec. 1971

Occupational Safety and Health Administration

ANALYST WORKSHEET

11-7

SAMPLE NUMBER	2. SEALS	3. DATE RECEIVED
15514	☒ BROKEN by EHL ☐ INTACT ☐ NONE	11/27/78

4. RECEIVED FROM	5. REGION
Itchforth	IX

6. DESCRIPTION OF SAMPLE: Bulk

7. SUMMARY OF ANALYSIS: VISUAL MICROSCOPIC ANALYSIS

Asbestos = NONE DETECTED

8. RETAINED SAMPLE

9. DATE REPORTED	10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979	[signature]	D. E. Peterson	JAN 04 1979

OSHA-21
Form OSHA-21
Dec. 1971

Occupational Safety and Health Administration

ANALYST WORKSHEET

0-11-9

SAMPLE NUMBER	2. SEALS	3. DATE RECEIVED
-15515	☒ BROKEN ☐ INTACT ☐ NONE by EHL.	11/27/78

4. RECEIVED FROM	5. REGION
itchforth	IX

6. DESCRIPTION OF SAMPLE: Bulk

7. SUMMARY OF ANALYSIS: VISUAL MICROSCOPIC ANALYSIS

Asbestos = 90% chrysotile

8. RESERVE SAMPLE

9. DATE REPORTED	10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979	[signature]	D. E. Peterson	JAN 04 1979

OSHA-91.1-79

Form OSHA - 21
Dec. 1971

Occupational Safety and Health Administration

ANALYST WORKSHEET

D-11-9

1. SAMPLE NUMBER	2. SEALS	3. DATE RECEIVED
-1551 6	☒ BROKEN by EHL ☐ INTACT ☐ NONE	11/27/78
4. RECEIVED FROM	5. REGION	
itchforth	IX	

6. DESCRIPTION OF SAMPLE: Bulk

7. SUMMARY OF ANALYSIS: VISUAL MICROSCOPIC ANALYSIS

Asbestos = NONE DETECTED

8. RESERVE SAMPLE

9. DATE REPORTED	10. ANALYST	11. CALCULATIONS CHECKED BY	12. DATE CHECKED
JAN 04 1979	[signature]	D. E. Peterson	JAN 04 1979

13. REMARKS

Form OSHA - 25
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

NOV 27 1978

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
SD-11-1	11/22/78	11/24/78

4. BY WHOM TAKEN	5. LABORATORY NUMBER
L Titsworth	A-15510

6. WHERE TAKEN

NAME OF ESTABLISHMENT: NASSCO (USS AJAX)

STREET ADDRESS: 28th + Harbor Dr.

CITY	COUNTY	STATE
San Diego	San Diego	Calif

7. OPERATION: Removal of cloth over fibrous glass insulation.

8. SAMPLING TECHNIQUE

DMPING # ____ BUBBLER ____ ESP ____ FILTER PAPER ____

MATERIAL X BAGS ____ SETTLED DUST ____ GRAB SAMPLE ____

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET) ____ BP (mm) ____ T (C) ____

10. POSSIBLE INTERFERENCES: Paint

11. ANALYSIS REQUIRED: Presence of Asbestos

12. DATE REPORTED FROM LAB	13. CHEMIST
JAN 04 1979	L Titsworth

14. REMARKS

Results for A15510 thru A15516, taken by EHL (Environmental Health Lab) in Kettering Lab. L Titsworth

COPY 1

Form OSHA-23
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
SD-11-3	11/22/78	11/24/78

4. BY WHOM TAKEN	5. LABORATORY NUMBER
L. Pitchforth	A-15511

6. WHERE TAKEN

NAME OF ESTABLISHMENT: see SD-11-1 USS AJAY

STREET ADDRESS:

CITY	COUNTY	STATE

7. OPERATION: Removing insulation cloth wrap

8. SAMPLING TECHNIQUE: IMPING ___ BUBBLER ___ ESP ___ FILTER PAPER ___

MATERIAL ✓ BAGS ___ SETTLED DUST ___ GRAB SAMPLE ___

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET) ___ BP (mm) T (C)

10. POSSIBLE INTERFERENCES: Possible is glass cloth

11. ANALYSIS REQUIRED: Presence of asbestos (Semi-quantitative if possible)

12. DATE REPORTED FROM LAB	13. CHEMIST
JAN 04 1979	[signature]

14. REMARKS

COPY 1

Form OSHA-23
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

NOV 27 1978

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
SD-11-5	11/22/78	11/24/78
4. BY WHOM TAKEN		**5. LABORATORY NUMBER**
L. Pitchforth, Jr.		A-15512

6. WHERE TAKEN

NAME OF ESTABLISHMENT: NASSCO (USS-AJAX)

STREET ADDRESS: 28th & Harbor Dr.

CITY	COUNTY	STATE
San Diego	San Diego	Calif

7. OPERATION: Paint chips & dust from cleaning walls in foundry adjacent to Engine room #2

8. SAMPLING TECHNIQUE

DRYING ____ BUBBLER ____ ESP ____ FILTER PAPER ____

MATERIAL ____ BAGS ____ SETTLED DUST X GRAB SAMPLE ____

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET): none BP (mm) T (C)

10. POSSIBLE INTERFERENCES

11. ANALYSIS REQUIRED

Presence of asbestos in dust -

Semi-quantitative if possible on dust

12. DATE REPORTED FROM LAB	13. CHEMISTS
JAN 04 1979	D. L. Tower

14. REMARKS

COPY 1

Form OSHA-23
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

Nov 7 1978

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
SD 11-6	11/22/78	11/24/78

4. BY WHOM TAKEN	5. LABORATORY NUMBER
L. PITCHFORTH	A-155 13

6. WHERE TAKEN

NAME OF ESTABLISHMENT: See SD 11-1 USS AJAX

STREET ADDRESS:

CITY	COUNTY	STATE

7. OPERATION: Removal of "rope" and insulation

8. SAMPLING TECHNIQUE

IMPING # ____ BUBBLER ____ ESP ____ FILTER PAPER ____

MATERIAL X BAGS ____ SETTLED DUST ____ GRAB SAMPLE ____

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET) ____ BP (mm) T (C)

10. POSSIBLE INTERFERENCES —

11. ANALYSIS REQUIRED: Presence of asbestos

12. DATE REPORTED FROM LAB	13. CHEMIST
JAN 04 1979	[signature]

14. REMARKS

COPY 1

Form OSHA-23
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
50-11-7	11/22/78	11/24/78

4. BY WHOM TAKEN	5. LABORATORY NUMBER
L. Pitchforth, Jr.	A-15514

6. WHERE TAKEN

NAME OF ESTABLISHMENT: see 50-11-1 — Boiler Shop

STREET ADDRESS:

CITY	COUNTY	STATE

7. OPERATION: Boiler Shop - insulation

8. SAMPLING TECHNIQUE

IMPING # ___ BUBBLER ___ ESP ___ FILTER PAPER ___

MATERIAL X BAGS ___ SETTLED DUST ___ GRAB SAMPLE ___

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET) BP (mm) T (C)

10. POSSIBLE INTERFERENCES

11. ANALYSIS REQUIRED: Presence of asbestos (Semi-quantitative if possible)

12. DATE REPORTED FROM LAB	13. CHEMIST
JAN 04 1979	L. Forrest

14. REMARKS: Possibly is glass wool

COPY 1

Form OSHA-23
Dec. 1971

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

SAMPLE IDENTIFICATION SHEET

1. SAMPLE NUMBER (REGIONAL)	2. DATE TAKEN	3. DATE SUBMITTED TO LAB
SD-11-8	11/22/78	11/24/78

4. BY WHOM TAKEN	5. LABORATORY NUMBER
L. Pitchforth	A-15515

6. WHERE TAKEN

NAME OF ESTABLISHMENT: see SD-11-1 (Ship Undergoing Construction) - AO-41

STREET ADDRESS:

CITY	COUNTY	STATE

7. OPERATION: Dropcloth or insulation overwrap

8. SAMPLING TECHNIQUE

IMPING X ____ BUBBLER ____ ESP ____ FILTER PAPER ____

MATERIAL X BAGS ____ SETTLED DUST ____ GRAB SAMPLE ____

9. AIR VOLUME SAMPLED (IN LITERS AND CUBIC FEET) BP (mm) T (C)

10. POSSIBLE INTERFERENCES

11. ANALYSIS REQUIRED

Presence of asbestos

(semi quantitative, if possible)

12. DATE REPORTED FROM LAB	13. CHEMIST
JAN 04 1979	[signature]

14. REMARKS

COPY 1

Form OSHA-23
Dec. 1971

Occupational Safety and Health Administration U.S. Department of Labor
Safety and Health or Accident Inspection Report

1. Area: 1917Φ | 2. Region: Φ9 | 3. CSHO No.: P29916 | 4. Report No.: 111Φ88 | 5. CSHO Job Title: H

6. Inspection Dates: From Month 11 Day 27 Year 78 To Month Φ1 Day 18 Year 79 | 7. SIC: 3731

8. Establishment Name (Print legal name): NATIONAL STEEL AND SHIPBUILDING COMPANY

9. Site Location: 0515 IA-TA-XI

10. City: SAN DIEGO | 11. State: CA | 12. Zip Code: 92138 | 13. City Code: 3216Φ | 14. St. Code: Φ6 | 15. Cnty. Code: Φ173

16. Name of Controlling Corporation, Partner or Sole Owner: KAISER INDUSTRIES | 17. Telephone Number: XXXXXXXXXXXXX

18. Citation Mailing Address if Different From Above: HARBOR DRIVE & 28TH STREET, P.O. BOX 80278, San Diego, 92138

19. Type of Inspection: Accident ☐ Complaint ☒ General Schedule ☐ Follow-up ☐

20. Special Programs: TIP ☐ THHP ☐ Other Health ☐ Special Emphasis ☐ Other ☐

21. If a previous OSHA inspection has been made in this establishment enter the id of the First OSHA Inspection: Region 69 | Area 1917Φ | CSHO Number G5445 | Report Number Φ177-3

22. Check this box if OSHA Training Received by Establishment ☒

23. Number of Employees: Employed In Establishment 615ΦΦ | Covered by Inspection 13Φ

Controlled by Employer: 0-19 ☐ 20-99 ☐ Over 99 ☒

24. Advance Notice (Check One): Given; no adverse effect ☐ Adverse effect (CSHO) ☐ Adverse effect (Employee) ☐

25. Check this box if an employee representative exercised walk around privileges during this inspection ☒

26. Number Safety or Health Hazards Not Covered by a Standard

27. Inspection Status Block: Citations Will Be Issued Yes ☐ No ☒

Date Case Completed: Month Φ1 Day 18 Year 79

Abatements Completed ☐

Penalties Paid ☐

Follow-Up Inspection id: CSHO No. | Report No.

28. Enter Related Complaint Log Numbers: Φ2717

29. Enter "total-occupational injuries and illnesses" from the OSHA 102

Cal. Yr.	Total Cases	Deaths	Lost Workday Cases: Total Lost Workday Cases	Cases Involving Days Away From Work	Days Away From Work	Days of Restricted Work Activity	Nonfatal Cases Without Lost Workdays	Terminations or Permanent Transfers
77	1118	13	16Φ8	6Φ8	2Φ199		5Φ17	

30. Enter cross reference codes if desired for this Inspection:

Accident Data

31. OSHA-36 Prelim. Report No. | 32. Date of Accident: Month Day Year | 33. No. Deaths | 34. Hospitalized Injuries | 35. Non-hospitalized Injuries

36. Injured/Deceased

Line No.	Name	Disp. Code	Nature of Inj.	Part of Body	Source of Inj.	Event Type	Contr. Envir. Factor	Contr. Human Factor	Task Assn.	Hazardous Substance
1										
2										
3										
4										
5										

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
INSPECTION TEST/SAMPLE REPORT

Page ___ of ___

1. Area	2. Region	Inspection Identification 3. CSHO No.	4. Rpt Nbr	5. FY	6. CSHO Employer Fed	State	7. Initiated By:*
1 7 7 7	0 4	1 2 7 7 6	1 1 0	7 7	X		C

For Region/Area use only:

Establishment Name: [illegible] Alegro
Address: 1/25/77
Date:
Comments:

8. Line No.	Test/Sample 9. Number Taken	10. Type*	Hazardous Substance/Condition 11. Code*	12. Name	13. Severity Key*	14. Number of Employees Directly Affected	Citation ID 15. Citation Number	16. Item Number	17. Cit Type	18. In Abatement
01	1	D	9 4 2 0		4	3 0	2	0	-	-
02										
03										
04										
05										
06										
07										
08										
09										
10										
11										
12										
13										
14										
15					3					
16					5					
17					4					
18										
19										
20										

Gen. Air sampled.

*CODES

7. Initiated By:
C - Referral by CSHO
N - Referral by NIOSH
O - Other

10. Test/Sample Type:
A - Air (Samples for Analysis)
D - Direct Reading (Chemical or Physical)

11. Hazardous Substance/Condition Code
See MIS Field Reporting Manual for hazardous substance codes.

13. Severity Key:
0 - At or within the Standard
1 - 1.1 to 2.0 times the Standard
2 - 2.1 to 3.0 times the Standard
3 - 3.1 to 4.0 times the Standard
4 - 4.1 or more times the Standard
5 - 1.1 to 2.0 times the ceiling or peak value
6 - 2.1 to 3.0 times the ceiling or peak value
7 - 3.1 to 4.0 times the ceiling or peak value
8 - 4.1 or more times the ceiling or peak valu

17. Citation Type:
D - De Minimis
N - Nonserious
S - Serious
W - Willful
R - Repeated

602

Occupational Safety and Health Administration — U.S. Department of Labor

Complaint

277-79

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

Form Approved
OMB No. 044R-1486

Sec. 8(f) (1) of the Williams Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

NOTE: Section 11 (c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints.

For Official Use Only

Area	Date Received	Time
L3	11/21/78	2:45pm

Region	Received By	
9	L. Pitchforth	Formal: X Non Formal: ☐

The undersigned *(check one)*

☐ Employee ☒ Representative of Employees ☐ Other *(specify)* _____

believes that a violation of the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Employer's Name
NASSCO

Employer's Address *(Street)*
28th and Harbor Drive

(City)
San Diego

(State)
California

(Zip Code)
92138

Telephone
714 232 4011 Ext. 305

1. Kind of business
Ship building and repair

2. Specify the particular building or worksite where the alleged violation is located, including address.
USS Ajax

3. Specify the name and phone number of employer's agent(s) in charge.
Industrial Relations Joe Flynn (see above)

4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard.
Approximately 50 employees on 1st and 2nd shift are being exposed to asbestos.

The asbestos is being removed by Navy personnel and no protection is being supplied to the NASSCO employees. The exposures are in many places aboard the USS Ajax.

Alleging imminent danger and would like an injunction under 29 USC 662 (a) to stop the work.

Charles J. Fleburn
Nov 22/78

CONTINUED ON REVERSE SIDE

Occupational Safety and Health Administration — U.S. Department of Labor

Complaint

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

Form Approved
O.M.B. No. 044R1449

Sec. 8(f) (1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

NOTE: Section 11 (c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints.

Telephone call summary

For Official Use Only

Area	Date Received	Time
SD 1970	11/21/78	2:45 PM

Region	Received By	
9	L. PITCHFORTH	Formal [X] Non Formal [ ]

The undersigned (check one) Raynaldo Inchaurregui

☐ Employee ☒ Representative of Employees ☐ Other (specify) Local 627 Iron Workers (426-7770) — 333 Broadway Ste A Chula Vista

believes that a violation at the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Employer's Name: National Steel

Employer's Address (Street): 28th & Harbor Drive (City)

(State) (Zip Code) Telephone

1. Kind of business

2. Specify the particular building or worksite where the alleged violation is located, including address.

3. Specify the name and phone number of employer's agent(s) in charge.

4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard.

Navy people doing repair — NASCO employees exposed.

Have complained to employer (labor relations office Joe Flynn 232-4011 Ext 305)

Filed grievance 11/20/78

USS Ajax — in water. engine room + elsewhere

1965 ship

Allegin imminent

Would like injunction — 29 USC 662(A)

to stop work —

Union Steward — (Days) Mario Aguierre

Chief Steward Gilbert I

1st + 2nd shift

guess — 50 people exposed

OSHA 7 (Rev. October 1977) CONTINUED ON REVERSE SIDE

Lead shop - allegeing - to State OSHA - 3 washings.
State - Many - Len Brew nothing -
(nuclear area) -

Tom Tosdal - Attorney for Iron workers
discovered Friday -
225 Broadway 714 - 233-6581
San Diego

5. (a) To your knowledge is this condition being considered by any other Government agency, or has it been considered by any other Government agency?

Yes ☐ No ☐

5. (b) If yes, and you know, which Government agency?

6. Has this condition been brought to the attention of the employer?

Yes ☐ No ☐ Don't know ☐

7. Please indicate your desire:

☐ I *do not* want my name revealed to the employer. ☐ My name *may be* revealed to the employer.

NOTE: It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. Violations can be punished by a fine of not more than $10,000, or by imprisonment of not more than six months, or by both. (Section 17(g))

Signature _____ Date _____

Typed or Printed Name _____

Address (Street) _____ (City) _____

(State) _____ (Zip Code) _____ Telephone _____

If you are an authorized representative of employees affected by this complaint, please state the name of your organization and your title _____

OSHA 423-202

Occupational Safety and Health Administration — U.S. Department of Labor

Complaint

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

Form Approved
O.M.B. No. 044R1449

Sec. 8(f) (1) of the Williams Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows. Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

NOTE: Section 11 (c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints.

For Official Use Only

Area	Date Received	Time
LB	11/21/78	2:45pm

Region	Received By	
9	L. Pitchforth	Formal ☒ Non Formal ☐

The undersigned *(check one)*

☐ Employee ☒ Representative of Employees ☐ Other *(specify)* _____

believes that a violation at the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Employer's Name
NASSCO

Employer's Address *(Street)*
28th and Harbor Drive

(City)
San Diego

(State)
California

(Zip Code)
92138

Telephone
714 232 4011 Ext. 305

1. Kind of business
Ship building and repair

2. Specify the particular building or worksite where the alleged violation is located, including address.
USS Ajax

3. Specify the name and phone number of employer's agent(s) in charge.
Industrial Relations Joe Flynn (see above)

4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard.
Approximately 50 employees on 1st and 2nd shift are being exposed to asbestos.

The asbestos is being removed by Navy personnel and no protection is being supplied to the NASSCO employees. The exposures are in many places aboard the USS Ajax.

Alleging imminent danger and would like an injunction under 29 USC 662 (a) to stop the work.

OSHA 7 (Rev. October 1977)

CONTINUED ON REVERSE SIDE

5. (a) To your knowledge is this condition being considered by any other Government agency, or has it been considered by any other Government agency?

Yes ☐ No ☒

5. (b) If yes, and you know, which Government agency?

6. Has this condition been brought to the attention of the employer?

Yes ☒ No ☐ Don't know ☐ Grievance filed 11/20/78 Grievance has been denied

7. Please indicate your desire:

☐ I *do not* want my name revealed to the employer. ☐ My name *may be* revealed to the employer.

NOTE: It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. Violations can be punished by a fine of not more than $10,000, or by imprisonment of not more than six months, or by both. (Section 17(g))

Signature _____ Date _____

Typed or Printed Name Raynaldo Inchaurregui (business agent)

Address (Street) Local 627 Ironworkers 333 Broadway Suite A (City) Chula Vista

(State) California (Zip Code) _____ Telephone _____

If you are an authorized representative of _____
employee(s) affected by this complaint, please _____
give the name of your organization and your title _____

Res. 222-4886

Office 232-4011
Area Code 714

V. G. OLSON
Safety Inspector

NATIONAL STEEL AND SHIPBUILDING COMPANY
P.O. BOX 80278 * HARBOR DR. AND 28TH ST. * SAN DIEGO, CA. 92138

Telephones: 426-7770
426-7771

REYNALDO L. INCHAURREGUI
Financial Secretary-Treasurer
and Business Agent
Iron Workers Shopmen's Local Union No. 627

International Association
of Bridge, Structural and
Ornamental Iron Workers
Affiliated with AFL-CIO

333 Broadway, Suite A
Chula Vista, CA 92010

1) Review Hazards Observed/Standards Allegedly Violated ☐ | 2) Encourage Compliance ☐

20. ADDITIONAL COMMENTS

Requested to see Mr. French - referred to
9[20] Rip Olsen - report going on Nov. 15th - grievance
removing asbestos covering over fiberglass
NASSCO - no people supposed to be in there
(2) Miller only learned about it yesterday
Temp test - 9[27] can be verified with Clerk Dry Dep Ships

NEM Hull Inspector Dist Unit Supv Staten — Completed 01-106-2 C-0101-L (OC Bottom)
overhead vent ducts - report old asbestos by Navy

FFF — Navy wire brushing or needle gun - Wednesday last week - last Friday reported to front office -
3 boiler rejects working in area
OC to Gerberg - appears to be freshly report out asbestos

Also - M. Koch - asst repair officer - 9[31] am
Cdr. John Grostick 9[32] am. - repair officer

9[40] C-0101-L 01-106-2 port aft 01 deck
9[41] CO Seesholz - showed his unsigned completed -
he refused admission to the ship until his command approved - even though appr notified Dep Ships - Dick Repair Officer Com. Grostick was with me - & he gave approval

10[32] Com Fegard

10[33] " " - I am to see Com Simpson Bldg 77
with Dick Clark

10[40] left for Naval Base

10[47] In Com Simpson's office (Production Officer) with Dick Clark
11[23] Come Simpson here - 235-2463 (997-2413 FTS)
protocol - check with CO on each ship -
was Gale Howard, Glen Fries, (Roger Helen

7[33] (1) Crews berthing compartment 2nd deck + 1st deck
(3) #1 Engineroom
(4) #2 Engineroom
(5) Laundry

First Room Clean Forward B-1 #1 AUX, B-2 #1 Eng Room B-3 [illegible] | 01-106-2 C-0101-L
Engr B-1 / B-902-W / B-2 B-309-A-5-1-Div
B-303-E Laund Aft Main Mach Rm B-3

SPO 322

1:24 CO Capt Siegbritz - unsure did not understand we wanted to look at more than 2 spaces (8 were submitted)
V. Olson - indicated members of union safety committee 3+ (Growmbers) wanted to go along. I indicated that was too many from one organization & was becoming a tour. As OSHA inspector, I have the prerogative to limit the number in the inspection party.
Elaine Askari, Manuel Spurgeon
Explained this to Union.

1:49 assembled in mess room -
V. Olson, SS Dick Clark, Holden Union Gregory Aguirre

Capt. Siegbritz - have taken readings since
. samples taken - Sep 21 B-1 B-2 B-3 Evidence El Scrap .02 .03 f/cc
Capt - no prior notice of this problem - Stirring during air samples - mostly LCS 3 blow. notice in some work areas not known what conditions

Engine room - B1, B2, B3 installation of fiberglass insulation board (plastic cover)

Mario - Laundry - noted this morning asbestos - this afternoon no action
Capt Seechaltz - says seamen know if problem supposed to
2:05 pm suit up and wear protective gear.

CC C1-106-L
overhead duct SD - SD 11-1 cloth from over fiberglass
picture #1 - present - status - amount of report - Mario

C103-L - probably asbestos rope at joints cut with scissors then unwrapped.
Sample "SD-11-2" "fiberglass insulation" #3 black gasket material appears to be same problem as above (Rope samples given from engineer)
Sample SD #-3 - overwrap over asbestos cloth

2:25 B-303 E Laundry removed 2 end 2 ducts
fiberglass underneath - probably asbestos cover
Sample SD 50-4 overwrap "asbestos cloth"
Picture #2 2 pm may not have been working here
(asbestos dig this morning - not this afternoon) per Mario
continued

2:42 #2 B-3-E Engineroom - blueing + cleaning fumes insufficient ventilation - Olson & Bowers off hot work + inventory in steam room

D-8 tank - ventilation removed at prior to overhaul pictures #3 2:47 pm

2:50 pm Foundry - sample at pot exit from engine room #2 Graphite. SD 50-5 appears to be mostly paint chips pictures #4 2:53 pm

3:02 Off ship - much cleanup between visits by NASSCO people

Nov 27, 1978

Holden of San Diego Sup. Ships called. with regard to confidentiality of actual complaint. I told him it was public document - no confidentiality requested

Dec 21, 1978 Vic Olson to send epoxy formulation SHDS Epoxy 150 (is solvent based with Colloidves - ?)

Dec 15, 1978 From Steward Frank Holloweck.

OSS AJAX - Welding McKay Cor H2 rod 6011 5/32

Welders - Alberto Caballes 30503

Shop fitter painter James Smith 21703, Santiago Santiago 24436, Frank Echevarrieis.

1/16/79 Closing conference held jointly on inspection # 1-2996 - 110, 111, 112 - Since employer refused to permit employees in closing conference, a separate closing conference was held.

1. Williamson AD-41 Destroy Tender — N4556 AD-411

2. Circa 408 AD412

Continued

1/16/79 - combined closing conference on P-2996-110, 112-
9:33 am Closing Conf. - Employer
Dean Smith, Mgr. Labor Rel. - <-> Refused permission
Frank Derling - Safety Div. to employee reps.
Carl Hinrichsen - Supv. Labor Relations to participate in
1) Personal sample results employer closing
2) Perspective on exposures - conference

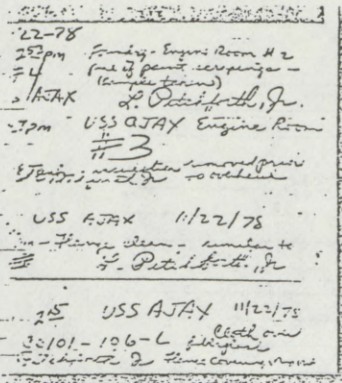
3) monitoring required - employee rep. observation + employee notification
"Thyle" does not want a insulation
4) Possible use of outside consultants for Sampling.
(I will send list)
5) Medical exam requirements reviewed -
0.1 f/cc / 8 hours.
6) No new asbestos drape material being use - Frank Derling
Will not remove current drape material - unused removed from inventory
7) Said to date no citations for asbestos

8) State consultation - available to them for material identification

9) Guidelines - if in doubt contact US-DOL-OSHA
10) When launched - DOD permission for ships Lt. NIMS
have on file current chemicals - then they Ltr to Washington, D.C.
(nuclear area only) probably can clear by telephone.
Other areas on ship - handled locally.

1/16/79 Separate closing conference with employee
representatives.
(see notes file # 110, 111 P-2996 for original.
Copy
Held 11:45 am - 12:50 pm.
Covered noon hour to permit additional
employee reps (local stewards) to participate
since employer limited each union's participation
to chief steward and single member of safety committee.
L. L. Pitchforth
1/26/79

Continued



11-22-78
2:52 p.m. Forward Engine Room #2
#4 (Port gear casing - (Impeller casing)
AJAX L. Pitchforth, Jr.
3 pm USS AJAX Engine Room
#3
[illegible]

USS AJAX 11/22/78
[illegible]
L. Pitchforth, Jr.

#5 USS AJAX 11/22/78
3101-106-L [illegible]
[illegible]

RECEIVED FROM LEE PITCHFORTH JR
THE ABOVE FOUR PHOTOGRAPHS

L.P. HOLDEN
QUALITY ASSURANCE REP
NOV. 22 1978

11/27/78

#3 glass + other fibers non-asbestos

4B synthetic + ~~possibly~~ asbestos

4A synthetic + asbestos
possibly present

7 - glass fiber

8 asbestos - Chrysotile

9 glass

10 glass -

Done by L. Pitchforth at EBNS
OH Laboratory. LP
Preliminary readings

TOP

LIST OF ATTENDEES OF OSHA INVESTIGATION ON-BOARD USS AJAX MOORED AT NATIONAL STEEL AND SHIPBUILDING CO., 28TH ST. S.D., ON 22 NOVEMBER 1979, 1330 HRS:

NAME	TITLE	ORGANIZATION
L.R. HOLDEN	QUAL. ASSUR. SPEC	SUPSHIP S.D. (321)
L.L. PITCHFORTH JR	SR. IND HYGIENIST	OSHA LONG BEACH
DICK CLARK	SHIP SURVEYOR SUPERVISOR	SUPSHIP S.D.
V. OLSON	Safety Specialist	NASSCO
Miguel Soto	Asst Bus Agent	Ironworkers
[illegible]	Union Safety Representative	Ironworkers
MANI AGUIRE	Ship Steward	Ironworkers
R SEESHOLTZ	CAPT.	CAPT USS AJAX
S.J. BORDVICKA	FIRST LIEUTENANT	USS AJAX
D.M. BRYANT	FV DIVISION OFFICER	USS AJAX
F.E. COHEN	ASST FV DIVISION OFFICER	USS AJAX
B.G. MILLER	SHIP SUPT (NASSCO)	NASSCO
A. J. CLARK	SHIP SURVEYOR	SUPSHIP
T.G. GRESTICK	CDR	USS AJAX
"L" "J" Briggs	LT	USS AJAX

INVESTIGATION PROMPTED BY COMPLAINT, SUBMITTED BY NASSCO INDUSTRIAL RELATIONS REPRESENTATIVE MR. JOE FLYNN DATED 21 NOVEMBER 1979.

T.R. SEESHOLTZ CAPT USS AJAX

Summary of Sample Results - 1/18/79

SD-11-1	Compartment C01-106-L cloth over fiberglass	Not Asbestos
SD-11-2	C 103L ~~fr~~ "fiberglass" insulation	NOT ANALYZED
SD-11-3	~~Blanket material~~ C 103L Overwrap - over asbestos cloth	Not Asbestos
SD-11-4	B-303E Laundry over wrap cloth ("fiberglass" underneath)	Other cloth + possibly some asbestos (local microscopic analysis)
SD-11-5	Foundry - floor scraping residue	Not Asbestos
SD-11-6	Rope (packing material) from C01-106-L (same area as SD-11-1)	~60% Asbestos Chrysotile

ADDITIONALLY - SAMPLES NOT PERSONALLY COLLECTED BY OSHA-IH

SD-11-7 (received)	Boiler shop - insulation	Not Asbestos
SD-11-8 (received)	Drop Cloth from AD-411, 4th Deck C-68	Asbestos 90% Chrysotile
SD-11-9 (received)	Cloth from AD-411, 4th Deck.	Not Asbestos
SD-11-10 (received)	Cloth AD-411 uninvoiled.	ESTIMATE - Not Asbestos (local microscopic analysis)

Continued

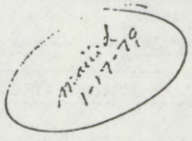
Copies of Maritime Reg Standards.

to 1) Mario Aguirre
2) Elaine Ackari
3) Richard Asperger
4) Frank Hollowach

Ironworkers

Copies same to

Terri Wulf
Ronald Iverson



MATERIAL SAFETY DATA SHEET

NPC

FOR COATINGS, RESINS AND RELATED MATERIALS

(Approved by U.S. Department of Labor "Essentially Similar" to Form OSHA-20)

DATE OF PREP. 11/77

RECEIVED DEC 26 1978 ILV

Section I

MANUFACTURER'S NAME: INTERNATIONAL PAINT CO., (CALIF.) INC.

STREET ADDRESS: 220 SO. LINDEN AVENUE CITY, STATE, AND ZIP CODE: SO. SAN FRANCISCO, CALIF.

EMERGENCY TELEPHONE NO.: (415) 761-0420

PRODUCT CLASS: Epoxy MANUFACTURERS CODE IDENTIFICATION: E5804

TRADE NAME: Paint, Epoxy-Polyamide, Green Primer Formula 150, Comp. B Mil-p-24441 Exempt

Section II — HAZARDOUS INGREDIENTS

INGREDIENT	PERCENT	TLV PPM	TLV mg/M³	LEL	VAPOR PRESSURE mmHg
Cellosolve	19.74	200		2.6%	4.0@ 2
Butyl Cellosolve	6.12	50(skin)			0.6@ 2

Section III — PHYSICAL DATA

BOILING RANGE: 275 - 340 °F. VAPOR DENSITY: [X] HEAVIER, [ ] LIGHTER, THAN AIR

EVAPORATION RATE: [ ] FASTER [X] SLOWER, THAN ETHER PERCENT VOLATILE BY VOLUME: 33.8% WEIGHT PER GALLON: 10.0

Section IV — FIRE AND EXPLOSION HAZARD DATA

DOT CATEGORY: Paint, Combustible Liquid FLASH POINT: 100 °F (Closed Cup) LEL: 2.6

EXTINGUISHING MEDIA: Foam, CO_2, Dry Chemical

UNUSUAL FIRE AND EXPLOSION HAZARDS

CONTAINS FLAMMABLE SOLVENT. DO NOT USE IN AREAS WHERE SPARKS OR OPEN FLAMES ARE PRESENT.

SPECIAL FIRE FIGHTING PROCEDURES

SMOTHER THE FLAMES WITH ONE OF THE ABOVE EXTINGUISHING MEDIA. WATER MAY BE USED TO COOL DOWN UNOPENED CONTAINERS IN THE VICINITY.

Section V — HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE

EFFECTS OF OVEREXPOSURE

INHALATION: - IRRITATION OF RESPIRATORY TRACT. HEADACHE AND DIZZINESS.

SKIN & EYE CONTACT: - PRIMARY IRRITATION

EMERGENCY AND FIRST AID PROCEDURES

INHALATION: - REMOVE INTO FRESH AIR AWAY FROM EXPOSURE.

SPLASH (EYES): - FLUSH IMMEDIATELY WITH COPIOUS QUANTITIES OF RUNNING WATER FOR 15 MINUTES. IF IRRITATION PERSISTS, CONSULT PHYSICIAN.

SPLASH (SKIN): - WASH AFFECTED AREA WITH WATER. REMOVE CONTAMINATED CLOTHING

Section VI — REACTIVITY DATA

STABILITY ☐ UNSTABLE ☒ STABLE CONDITIONS TO AVOID

INCOMPATABILITY (*Materials to avoid*)

HAZARDOUS DECOMPOSITION PRODUCTS CO, CO_2

HAZARDOUS POLYMERIZATION ☐ MAY OCCUR ☒ WILL NOT OCCUR

CONDITIONS TO AVOID

Section VII — SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED REMOVE ALL SOURCES OF IGNITION. AVOID PROLONGED INHALATION OF VAPORS. VENTILATE AREA. CLEAN UP WITH ABSORBENT.

WASTE DISPOSAL METHOD DISPOSE IN ACCORDANCE WITH LOCAL, STATE, & FEDERAL REGULATIONS. DO NOT INCINERATE UNOPENED CONTAINERS.

Section VIII — SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION IN OUTDOOR OR OPEN AREAS, USE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH APPROVED FILTER RESPIRATOR TO REMOVE SOLID AIR-BORNE PARTICLES OF OVERSPRAY DURING SPRAY APPLICATION. IN RESTRICTED VENTILATION AREAS, USE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH APPROVED CHEMICAL FILTERS DESIGNED TO REMOVE A COMBINATION OF PARTICULATE AND VAPOR.

VENTILATION PROVIDE GENERAL DILUTION OR LOCAL EXHAUST VENTILATION IN VOLUME AND PATTERN TO KEEP TLV OF MOST HAZARDOUS INGREDIENT IN SECTION II BELOW ACCEPTABLE LIMIT, LEL IN SECTION IV BELOW STATED LIMIT AND TO REMOVE DECOMPOSITION PRODUCT DURING WELDING OR FLAME CUTTING ON SURFACES COATED WITH THIS PRODUCT.

PROTECTIVE GLOVES REQUIRED FOR LONG OR REPEATED EXPOSURE.

EYE PROTECTION USE SAFETY EYEWEAR DESIGNED TO PROTECT AGAINST SPLASH OF LIQUIDS.

OTHER PROTECTIVE EQUIPMENT PREVENT PROLONGED SKIN CONTACT WITH CONTAMINATED CLOTHING.

Section IX — SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING STORE IN BUILDINGS DESIGNED AND PROTECTED FOR STORAGE OF NFPA CLASS II FLAMMABLE LIQUIDS.

OTHER PRECAUTIONS

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY
AND HEALTH ADMINISTRATION
1449 TEMPLE STREET, ROOM 231
LOS ANGELES, CA 90026
TEL: (213) 620-4290

EDMUND G. BROWN JR. Governor

December 18, 1978

Mr. Jack Taylor
National Steel & Ship Building Company
P.O. Box 80278
San Diego, CA 92138

Dear Sir:

Subject: Analysis of Diplag for Presence of Asbestos

Samples "A" and "B" of Diplag material that you sent us on November 30, 1978, were analyzed in our laboratory to detect presence of asbestos. Our findings indicate that neither one of the samples has any detectable presence of asbestos and that the materials in both the samples are mostly glass fiber.

If you need further assistance, please feel free to contact us.

Thanking you.

Sincerely Yours,

Hari Narayan,
Industrial Hygiene Engineer
Occupational Cancer Control Unit
Division of Occupational Safety and Health

HN/gd



NATIONAL STEEL AND SHIPBUILDING COMPANY

30 November 1978

California Department of Health
Occupational Health Branch
1449 W. Temple St.
Los Angeles, Calif. 90026

RECEIVED
DEC - 8 1978
Division of Occupational Safety & Health
TEMPLE STREET OFFICE

Attn: Hari Narayan
Industrial Hygienist

Dear Mr. Narayan,

The enclosed samples A and B were brought to me by a representative of the Machinist Union. I feel that this material is "dip-lag" material 100% fiberglas, but to satisfy the union, would you analyze the enclosed samples to assure that they do not contain any asbestos.

Sincerely,

NATIONAL STEEL AND SHIPBUILDING COMPANY

Jack Taylor
Safety Specialist

JT:gd

HARBOR DR. AND 28TH STREET P.O. BOX 80178 SAN DIEGO, CA 92138
TELEPHONE (714) 232-4011 TWX (910) 335-1260 TELEX 695134

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
SAN FRANCISCO REGIONAL OFFICE
450 GOLDEN GATE AVENUE, BOX 36017
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE 556-0560

VV Carter Hawkins Wemmer Sent 9-5-78

August 29, 1978

CC To R. Mis Sup. I. H.

Don Vial, Director
Department of Industrial Relations
State of California
455 Golden Gate Avenue, Room N 3200
San Francisco, CA 94102

Dear Don:

Attached is the most recent information we have received regarding State and/or Federal inspections at U.S. Army installations.

You should be aware that Federal OSHA does not make determinations with respect to working conditions addressed by DOD explosive standards. See letter by Assistant Secretary John Stender 1973 (attached).

It is apparent that the Department of the Army recognizes State authority to inspect at Army installations, subject to the exclusions regarding exclusive Federal jurisdiction. In such instances, we shall continue to accept referrals from the State where the State is denied entry because the installations are deemed to be under exclusive Federal jurisdiction.

The Department of the Army and OSHA are in the process of developing a memorandum of understanding providing for certain inspections. Upon receipt thereof, we will provide you with copies and details. Pending final resolution of issues between the Army and OSHA, we shall continue as we have. Other related OSHA program directives concerning this subject are #77-6 and #77-5.

Questions regarding the above and related material may be referred to the Office of Federal/State Operations, Region IX.

Sincerely,

Kenneth C. Weissman for
Gabriel J. Gillotti
Regional Administrator

Enclosures

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY
AND HEALTH ADMINISTRATION
1309 STATE STREET
SAN DIEGO, CA 92101

EDMUND G. BROWN JR., Governor

ADDRESS REPLY TO:
1309 STATE STREET
SAN DIEGO, CA 92101

November 16, 1973

RECEIVED
NOV 16 1973
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
TEMPLE STREET OFFICE

Tom Collins
1642 Missouri Street
San Diego, Ca. 92109

Re Use of asbestos - National Steel & Shipbuilding Co., San Diego

Dear Sir:

On November 15, 1973 you reported that asbestos may be in use on a ship construction project, Hull 411 - nuclear section of ship.

Your request for an immediate inspection of this area was relayed by phone on 11/15/73 to John A. Hinton. He is the Supervising Industrial Hygiene Engineer of the Occupational Cancer Control Unit (OCCU) of the Division of Occupational Safety & Health Administration located at 1449 West Temple St., Los Angeles 90026. A copy of your complaint was mailed to him on the 15th.

Questions concerning this potential problem of asbestos usage should be directed to Mr. Hinton at the above address; phone 213/620-4290.

Very truly yours,

Donald C. Amos
District Manager

/lps

cc J.A. Hinton

POLICY GUIDELINES BY DEPARTMENT OF DEFENSE FOR SAFETY AND HEALTH INSPECTION OF CONTRACTOR WORKPLACES

Department of Defense Instruction

(No. 1000.18, issued June 29, 1976)

Federal and State Occupational Safety and Health Inspections and Investigations at Contractor Workplaces on Department of Defense Installations

Refs.: (a) Public Law 91-596, "Occupational Safety and Health Act of 1970," December 29, 1970

(b) Assistant Secretary of Defense (Hyde) Memorandum, Contractor Relationship with Respect to the Occupational Safety and Health Act of 1970, March 29, 1974 (as reissued in Defense Procurement Circular 75-1, July 10, 1975

(c) Title 29, Code of Federal Regulations, Subtitle B — "Regulations Pertaining to Labor," Chapter XVII, "Occupational Safety and Health Administration, Department of Labor," Part 1909 et seq.

(d) Title 42, United States Code, Secs. 2012, 2021, 2121 (b) and 2201(b)

(e) DoD 5220.22R, "Industrial Security Regulations," April 1, 1975

(f) DoD Manual 5220.22-M, "Industrial Security Manual for Safeguarding Classified Information," April 1, 1974

(g) Title 18, United States Code, Section 795

(h) Executive Order 10104, "Definition of Vital Military and Naval Installations and Equipment," February 1, 1950

(i) Title 10, United States Code, Section 172

(j) Title 5, United States Code, Section 552, as Amended by Public Law 93-502, "Freedom of Information Act"

(k) Title 5, United States Code, Section 552a, as Added by Public Law 93-579, "Privacy Act of 1974"

(l) Armed Services Procurement Regulations, "Contract Administration Functions," Section I, 4-1, October 1, 1973

(m) Title 32, United States Code, Section 941

I. Purpose

This Instruction establishes Department of Defense (DoD) policy for Federal and State occupational safety and health inspections and investigations at contractor workplaces on DoD installations which are located within a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone, referred to collectively as "territorial limits of such areas."

II. Applicability and Scope

The provisions of this Instruction apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, United and Specified Commands, and the Defense Agencies (hereinafter referred to collectively as "DoD Components").

III. Definitions

As used herein, the terms contained in enclosure 1 apply.

IV. Guidance

A. *Authority.* Public Law 91-596 (reference (a)) provides for the development, promulgation, and enforcement of occupational safety and health standards. The law applies to covered employment performed in workplaces located within the territorial limits specified in section I of this Instruction. DoD contractors operating from DoD or non-DoD owned facilities located on or off DoD installations and their subcontractors, as defined in Public Law 91-596, are subject to enforcement authority by Federal and State safety and health officials as set forth below.

1. Federal OSHA and State OSHA officials may be granted access to DoD installations by DoD officials in accordance with reference (b), and in accordance with section 8(a) of Public Law 91-596 (reference (a)), except as provided in this Instruction.

2. Subject to the terms of any variance, tolerance, or exemption granted by the Secretary of Labor pursuant to Public Law 91-596 (reference (a)), a State may exercise jurisdiction over occupational safety and health matters involving a DoD contractor only when such jurisdiction has been certified by the Secretary of Labor. Such certification will be the responsible for determining the status of applicable State occupational safety and health plans.

3. Authorized safety and health officials from States without OSHA-approved occupational safety and health plans may, subject to the exceptions provided elsewhere in this Instruction, exercise jurisdiction over occupational safety and health matters involving a DoD contractor only when there are no relevant OSHA standards applicable to the work in progress.

4. Federal OSHA officials may perform occupational safety and health inspections in DoD contractor workplaces situated in areas where the United States holds exclusive Federal jurisdiction.

5. Regardless of whether or not a State has a federally approved plan, State safety and health officials have no authority in DoD contractor workplaces situated in areas where the United States has exclusive Federal jurisdiction.

6. Section 4(b)(1) of reference (a) does not authorize the Secretary of Labor to assert authority over working conditions for which another Federal agency, or any State agency acting under 42 USC Section 2021, exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. Thus, Secretary of Labor authority does not extend to working conditions specifically covered by:

a. Any State nuclear safety or health standard or regulation implementing 42 USC Section 2021 (reference (d)),

b. Any explosives safety or health standard or regulation implementing 10 USC Section 172 (reference (i)), or

c. Any nuclear safety or health standard or regulation implementing 42 USC Sections 2012 and 2121(b), or 2201(b) (reference (d)).

7. Pursuant to the provisions of 33 USC Section 941 (reference (m)), when contractor work is performed aboard vessels afloat within the Federal maritime jurisdiction, Federal OSHA standards apply, and inspections and investigations shall be performed by Federal OSHA officials. Subject to a decision pending at the time of publication of this Instruction, the foregoing applies also to vessels in dock. Any questions in this regard should be referred to ASD (I&L), DASD (Environment and Safety).

B. *Standards.* Occupational safety and health standards promulgated under provisions of Public Law 91-596 (reference (a)), as applicable by Federal or State OSHA officials, as follows:

MISC. INFORMATION

CLAREMONT has several other products that are used for special applications. Refer to brochures on CLAREMONT " MARINE COUSTIFAB" that has been used very effectively in solving NOISE CONTROL problems associated with piping and ventilation systems. CLAREMONT "WELD-SHIELD" products have been used by many shipyards, and heavy construction companies to provide dependable protection against weld splatter, and fire damage. Preventive maintenance groups have learned to depend on "CLAREMONT WELD-SHIELD" when protection is a must. "CLARETEX" PAD - FABRICS, make an excellent companion product for the insulation man doing quality pad fabrication. "CLAREMAT 1200" is a 1200 degree insulation matt made to use as a filler in making high temperature insulation pads. "CLARETWINE" SEWING THREAD will help in getting it all together with maximum strength.

PRODUCT INFORMATION
AND
TECHNICAL DATA

PRODUCTAGGING FABRICS
REF: Page 3 of 3
DATE: 3/1/76

TYPICAL PHYSICAL PROPERTIES

A557 Treatment

Style#	84205	LAG-EEZE/12	LAG-EEZE/95
Weight(oz./sq.yd.)	8.6 ± 10%	12.8 ± 10%	8.5 ± 10%
Thickness(in.)	.025+	.042 ± 10%	.034 ± 10%
Construction	W F	W F	W F
± 10%	18x14± 2	20x16± 2	18x14 ± 2
Tensile (lbs./in. width)			
Warp	120	100	70
Filling	75	60	50
Weave:	Plain	Mod. Plain	Modified Plain
Yarn:	Reg.	Soft Twist-Texturized High Bulk Yarns for #12 &#95	

A657 Treatment Tearable

eight (oz./sq.yd.)	8.6 ± 10%	12.55 ±10%	8.5 ± 10%
Thickness (in.)	.025 ± 10%	.042 ± 10%	.034 ± 10%
Construction	W F	W F	W F
+ 10%	18x14± 2	20x16± 2	18x14± 2
Tensile (lbs./in. width)			
Warp	70	80	70
Filling	50	50	50
Weave:	Plain	Mod. Plain	Modified Plain
Yarn:	Reg.	Soft Twist - Texturized High Bulk Yarns for #12 and#95	

DIP-LAG Treatment

Weight (oz./sq.yd.)	15.0 ± 10%	20.0 ± 10%	15.0 ± 10%
Thickness (in.)	.033 ± 10%	.047	.040 ± 10%
Construction	W F	W F	W F
± 10%	20x14 ± 2	21x16 ±2	20x14 ± 2
Tensile (lbs./in. width)			
Warp	90	125	100
Filling	50	70	60
Weave:	Plain	Mod. Plain	Modified Plain
Yarn:	Reg.	Soft Twist-Texturized High Bulk Yarns for #12 and #95	

* The Values listed above are based on limited data.

CLARKSON COMPANY, INC. San Diego 2, California

262-074

PRODUCT INFORMATION AND TECHNICAL DATA

PRODUCT: LAGGING FABRICS
REF:
DATE: 3/1/76
Page 1 of 3

"CLARETEX" LAGGING FABRICS

CLARETEX lagging fabrics have been designed for one purpose and that is to do a good lagging job. The selection of high bulk glass yarns has been made to give the lagging cloth selected maximum surface coverage, strength, and ease of application. There are three basic lagging fabrics in the CLARETEX GLASS line; and each is capable of being used throughout any pipe insulation job; however due to the various methods of application and types of work undertaken, preferences (as to weight, loft of fabric, and finish) are sometimes desired. The following styles have been designed to accomplish lagging on the type work listed:

84205: lightweight lagging requiring a smooth surface and very little surface irregularity to cover.

LAG-EEZE 12: A lightweight high bulk fabric designed to give maximum coverage on heavy work such as large steam lines with a lot of cemented sections that have to be uniformly covered, and easy to paint for finish surfacing.

LAG-EEZE 95: A lightweight fabric with medium bulk to be used on almost any type work.

CLARETEX lagging fabrics are all made of 100% Glass fibers, therefore not combustible and can be used as lagging on high temperature insulation systems. Various treatments are available to give our lagging fabrics special properties.

A557 Treatment: This is really the basic treatment that removes all weaving starches and lubricants, and makes the cloth clean, ties down loose fibers, and a fabric that will take adhesives well.

A657 Treatment: This treatment has been designed to make the lagging fabrics easy to hand rip or to shear rip when desired.

DIP-LAG Treatment: This treatment has been designed to make insulation work a little easier, a little less expensive and a lot easier to clean up after. This treatment is the application of a rewettable adhesive in controlled amounts to the entire surface of the cloth so that all that is required is to dip the cloth in water and the adhesive is activated and ready for use as a lagging.

CLARETEX glass fabrics conform to U. S. C. G., (proposed changes of MIL-I-20079D), and MIL-I-24244. The application requirements of SS-C-466 are also met when using "CLARETEX" LAGGING or PAD FABRICS. The DIP-LAG treatments conforms to MIL-A-3316D Class 1, except that it is rewettable and therefore not washable until painted. DIP-LAG however conforms to Paragraphs 3.3.1; 3.3.2; 3.4; 5.1; 3.8.1; 3.9; 3.10; 3.12 and 13.1. The performance requirements of DIP-LAG treated fabrics are

U U N C L A S S I F I E D U

107/ Sad see me re. this.

ROUTINE

R 161729Z AUG 78

FM COMNAVSEASYSCOM WASHINGTON DC

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INACTSHIPFAC BREMERTON WA
INACTSHIPDET PEARL HARBOR HI

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CINCPACFLT PEARL HARBOR HI
CINCLANTFLT NORFOLK VA

INFO COMNAVAIRSYSCOM WASHINGTON DC
COMNAVSEASYSCOM WASHINGTON DC

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SECTION 01 OF 02 //N05100//
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) INSPECTIONS AND INVESTIGATIONS OF CONTRACTOR WORKPLACES ONBOARD NAVAL SHIPS: INTERIM GUIDANCE FOR

A. PUBLIC LAW 91-596 OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (OSH ACT), 29 U.S.C. 651 ET SEQ

B. CNO WASHINGTON DC 101754Z APR 76
C. CNO WASHINGTON DC 061958Z JUN 78 NOTAL

1. SUMMARY. THE FOLLOWING REVISED INTERIM GUIDANCE WILL GOVERN REQUESTS FOR INSPECTIONS AND INVESTIGATIONS OF CONTRACTOR WORKPLACES ONBOARD NAVAL SHIPS AND CERTAIN ASSOCIATED FACILITIES BY FEDERAL OSHA COMPLIANCE OFFICIALS UNDER REF A AND BY STATE OCCUPATIONAL SAFETY AND HEALTH OFFICIALS.

2. REFS B AND C ARE HEREBY CANCELLED.

3. THE FOLLOWING DEFINITIONS APPLY TO TERMS USED IN THIS MESSAGE:

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CSN:AU1A00470 CNO WASHINGTON

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A. AN OSHA COMPLIANCE OFFICIAL IS AN INVESTIGATOR OR COMPLIANCE OFFICER EITHER EMPLOYED BY OR UNDER CONTRACT TO OSHA.

B. CONTRACTOR WORKPLACE IS ANY PLACE ONBOARD A NAVAL SHIP OR SERVICE CRAFT MOORED OR BERTHED WITHIN THE UNITED STATES, ITS TERRITORIAL WATERS, ITS TERRITORIES OR POSSESSIONS, AND CERTAIN FACILITIES IDENTIFIED IN PARAGRAPH G BELOW WHERE WORK CURRENTLY IS BEING, RECENTLY HAS BEEN OR WILL BE PERFORMED BY CONTRACTOR EMPLOYEES UNDER A DEPARTMENT OF DEFENSE (DOD) CONTRACT, INCLUDING A REASONABLE ACCESS ROUTE TO AND FROM THE WORKPLACE. THE TERM "CONTRACTOR WORKPLACE" DOES NOT INCLUDE ANY AREA, STRUCTURE, MACHINE, APPARATUS, DEVICE, EQUIPMENT, OR MATERIAL THEREIN, WITH WHICH A CONTRACTOR EMPLOYEE IS NOT REQUIRED OR REASONABLY EXPECTED TO HAVE CONTACT.

C. CONTRACTOR IS A NON-FEDERAL EMPLOYER ENGAGED IN PERFORMANCE OF A DOD CONTRACT, WHETHER AS PRIME CONTRACTOR OR SUBCONTRACTOR.

D. CONTRACTOR EMPLOYEE IS AN EMPLOYEE OF A CONTRACTOR PERFORMING WORK FOR A GOVERNMENT ACTIVITY (E.G., SHIPYARD, TYPE COMMANDER, SUPSHIP, SYSTEM COMMAND, ETC.), UNDER A GOVERNMENT CONTRACT AT A DEPARTMENT OF DEFENSE ACTIVITY (INCLUDING SHIPS).

F. IMMINENT DANGER IS ANY CONDITION OR PRACTICE IN ANY DOD CONTRACTOR WORKPLACE SUCH THAT A DANGER EXISTS WHICH COULD REASONABLY BE EXPECTED TO CAUSE DEATH OR SERIOUS PHYSICAL HARM IMMEDIATELY OR BEFORE THE IMMINENCE OF SUCH DANGER CAN BE ELIMINATED THROUGH ENFORCEMENT PROCEDURES.

F. NUCLEAR PROPULSION PLANT - THE NUCLEAR PROPULSION PLANT CONSISTS OF THOSE SPACES AND EQUIPMENT WHICH ARE DIRECTLY RELATED TO THE PROPULSION OF THE SHIP.

G. NUCLEAR SHIPYARD FACILITIES - NUCLEAR SHIPYARD FACILITIES E THOSE FACILITIES THE PURPOSE OF WHICH, AMONG OTHER THINGS, IS TO HANDLE RADIOACTIVE MATERIAL ASSOCIATED WITH NAVAL NUCLEAR PROPULSION PLANTS. THIS INCLUDES SPACES AND EQUIPMENT SO DESIGNATED BY THE SHIPYARD SUCH AS CORE STORAGE AREAS, SPECIAL HANDLING EQUIPMENT, RADIOACTIVE WORK FACILITIES AND RADIOACTIVE WASTE PROCESSING SPACES AND EQUIPMENT, AND OTHER RELATED MATTERS.

H. SHIPBOARD NUCLEAR SUPPORT FACILITIES - THOSE FACILITIES LOCATED ON SOME NON-NUCLEAR SHIPS OR SERVICE CRAFT, SUCH AS TENDERS OR RADIOLOGICAL REPAIR BARGES, THE PURPOSE OF WHICH, AMONG OTHER THINGS, IS TO HANDLE RADIOACTIVE MATERIAL ASSOCIATED WITH NAVAL NUCLEAR PROPULSION PLANTS.

I. NUCLEAR WEAPONS AREAS - NUCLEAR WEAPONS AREAS ARE THOSE SPACES AND EQUIPMENT WHICH ARE DIRECTLY RELATED TO THE STORAGE, USE OR CONTROL OF NUCLEAR WEAPONS ABOARD SHIPS.

2. SUBJECT TO THE CONDITIONS AND EXCEPTIONS STATED BELOW, ADDRESSEES ARE ADVISED THAT PERMISSION IS GRANTED FOR OSHA COMPLIANCE OFFICIALS, ACTING UNDER THE INSPECTIONS AND INVESTIGATIONS PROVISIONS OF THE OSH ACT (29 U.S.C. 657), TO BE TAKEN ABOARD U.S. NAVY SHIPS IN PORT TO CONDUCT SAFETY AND HEALTH INSPECTIONS AND INVESTIGATIONS OF CONTRACTOR WORKPLACES. [STATE] OCCUPATIONAL SAFETY AND HEALTH OFFICIALS SHALL NOT BE GRANTED ACCESS ABOARD NAVAL SHIPS

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AND SERVICE CRAFT OR IN AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

A. EXCEPT FOR THE LIMITATIONS IMPOSED IN PARA B AND C FOLLOWING, OSHA COMPLIANCE OFFICIALS WILL BE PROVIDED, UPON REQUEST, IMMEDIATE ACCESS TO CONTRACTOR WORKPLACES WHERE CONTRACTOR EMPLOYEES ARE CURRENTLY PERFORMING WORK, OR WHERE THE CONTRACTOR HAS EQUIPMENT OR OTHER WORK RELATED MATERIAL OR PARAPHERNALIA IN THE WORKPLACE, PURSUANT TO A GOVERNMENT CONTRACT. REQUESTS FOR ACCESS TO INSPECT THOSE WORKPLACES WHERE CONTRACTOR EMPLOYEES HAVE WORKED OR WILL WORK BUT WHERE THE CONTRACTOR NO LONGER HAS DEPLOYED, OR HAS YET TO DEPLOY, ANY OF THE ABOVE, WILL BE FORWARDED BY MESSAGE AND BY TELEPHONE TO THE CHIEF OF NAVAL OPERATIONS (OP-04), COPY TO CHNAVMAT AND COMNAVSEA. ALL MESSAGE REQUESTS SHALL IDENTIFY THE CONTRACTOR WORKPLACE INVOLVED AND FURNISH ALL IMMEDIATELY AVAILABLE DETAILS. A REPLY TO SUCH REQUESTS WILL BE FORTHCOMING WITHOUT DELAY.

B. IF THE REQUESTED INSPECTION/INVESTIGATION INVOLVES HANDLING OR STORAGE OF AMMUNITION OR EXPLOSIVES THE REQUEST FOR ACCESS SHOULD BE DENIED. A REPORT OF ANY SUCH REQUEST SHOULD BE MADE TO THE CHIEF OF NAVAL OPERATIONS (OP-04) BY MESSAGE.

C. WITH RESPECT TO NUCLEAR PROPULSION PLANT SPACES ON NUCLEAR POWERED SHIPS, TO RELATED NUCLEAR SHIPYARD FACILITIES ASHORE OR AFLOAT, SHIPBOARD NUCLEAR SUPPORT FACILITIES, OR TO NUCLEAR WEAPONS AREAS, THE REQUEST FOR ACCESS SHALL BE FORWARDED BY MESSAGE AND BY TELEPHONE TO THE CHIEF OF NAVAL OPERATIONS (OP-04) WITH COPIES TO CHNAVMAT AND COMNAVSEA. ALL MESSAGE REQUESTS SHALL IDENTIFY THE CONTRACTOR WORKPLACE INVOLVED AND FURNISH ALL OTHER IMMEDIATELY AVAILABLE DETAILS. ACCESS SHALL BE WITHHELD PENDING RECEIPT OF THE REPLY AND, WHERE GRANTED, SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS MESSAGE AND ANY CONDITIONS IMPOSED IN THE CNO REPLY. SUCH REPLY WILL BE FURNISHED EXPEDITIOUSLY, AND, IF POSSIBLE, WITHIN A PERIOD OF THREE WORKING HOURS FROM RECEIPT OF THE REQUEST BY THE CHIEF OF NAVAL OPERATIONS.

D. IN CASES OF NON-NUCLEAR SHIPS OR NUCLEAR SHIPS, WITH THE EXCEPTIONS IN PARAGRAPHS B AND C ABOVE, AND IN ACCORDANCE WITH THE PROCEDURES IN PARA A ABOVE, ACCESS TO CONTRACTOR WORKPLACES, AS DEFINED ABOVE, SHALL BE GRANTED UPON REQUEST TO FEDERAL OSHA COMPLIANCE OFFICIALS TO CONDUCT INSPECTIONS AND INVESTIGATIONS OF SUCH WORKPLACES WITHIN REASONABLE LIMITS AND IN A REASONABLE MANNER DURING REGULAR WORKING HOURS EXCEPT WHEN OTHER TIMES ARE MUTUALLY

AT

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ROUTINE

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FM COMNAVSEASYSCOM WASHINGTON DC

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ALL SUPSHIP
INACTSHIPFAC BREMERTON WA
INACTSHIPDET PEARL HARBOR HI

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FM CNO WASHINGTON DC

TO CNAVMAT WASHINGTON DC
INCPACFLT PEARL HARBOR HI

CINCLANTFLT NORFOLK VA

INFO COMNAVAIRSYSCOM WASHINGTON DC

COMNAVSEASYSCOM WASHINGTON DC

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FINAL SECTION OF 02 //N05100//
AGREED UPON BY THE CONCERNED OFFICIALS.
E. AND PHOTOGRAPHS SHALL BE TAKEN BY OSHA OFFICIALS. ANY PHOTOGRAPHS REQUESTED BY OSHA OFFICIALS SHALL BE TAKEN BY NAVY PERSONNEL, SHALL BE TENTATIVELY CLASSIFIED CONFIDENTIAL, AND SHALL NOT BE DELIVERED TO OSHA COMPLIANCE OFFICIALS UNTIL ALL FILM, NEGATIVES, AND PHOTOGRAPHS HAVE BEEN SENT TO THE COMMANDER, NAVAL SEA SYSTEMS COMMAND (SEA 00D2) AND FULLY SCREENED AND CENSORED, AS APPROPRIATE, IN THE INTEREST OF NATIONAL SECURITY. ALSO, ANY DESIGN OR SYSTEM PERFORMANCE DATA, E.G., RECORDINGS OF NOISE SOUND LEVEL PROFILES, ETC., SHALL BE FORWARDED TO THE COMMANDER, NAVAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) INSPECTIONS AND INVESTIGATIONS OF CONTRACTOR WORKPLACES ONBOARD NAVAL SHIPS; INTERIM GUIDANCE FOR
SEA SYSTEMS COMMAND (SEA 00D2) FOR SCREENING AS ABOVE PRIOR TO RELEASE. THIS PROCESS SHALL NORMALLY BE COMPLETED WITHIN A PERIOD OF FIFTEEN WORKING DAYS FROM RECEIPT OF MATERIAL BY THE COMMANDER, NAVAL SEA SYSTEMS COMMAND.
F. OSHA OFFICIALS SHALL NOT BE GIVEN COPIES OF ANY FEDERAL RECORD OR REPORTS. IF ACCESS TO NAVY RECORDS OR REPORTS IS REQUESTED BY OSHA OFFICIALS, THE REQUEST SHALL BE FORWARDED TO THE

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U N C L A S S I F I E D U

UNCLASSIFIED U

APPROPRIATE RELEASING OFFICIAL.

G. IN ADDITION TO PRESENTING APPROPRIATE IDENTIFICATION CREDENTIALS, ALL OSHA COMPLIANCE OFFICIALS SHALL BE REQUIRED TO POSSESS APPROPRIATE SECURITY CLEARANCE FOR ENTRY INTO AREAS WHERE THE CONTRACTOR WORKPLACE IS LOCATED.

H. REPRESENTATIVES OF THE SHIP'S COMMANDING OFFICER, AND, IF APPROPRIATE, THE ADMINISTRATIVE CONTRACTING OFFICER, AND THE COMMANDING OFFICER OR OFFICER-IN-CHARGE OF THE SHORE ACTIVITY AT WHICH THE SHIP IS LOCATED SHALL ACCOMPANY THE OSHA COMPLIANCE OFFICIAL AT ALL TIMES DURING HIS PHYSICAL INSPECTION OF CONTRACTOR WORKPLACES. A REPRESENTATIVE OF THE CONTRACTOR AND A REPRESENTATIVE OF THE CONTRACTOR'S EMPLOYEES MAY ACCOMPANY THE OSHA COMPLIANCE OFFICIAL DURING THE INSPECTION/INVESTIGATION PROVIDED PROPER SECURITY CLEARANCES ARE VERIFIED. IF THERE IS NO AUTHORIZED CONTRACTOR EMPLOYEE REPRESENTATIVE, THE OSHA COMPLIANCE OFFICER IS AUTHORIZED TO CONSULT WITH A REASONABLE NUMBER OF CONTRACTOR EMPLOYEES ONLY, CONCERNING MATTERS OF HEALTH AND SAFETY IN THE PERTINENT WORKPLACE.

I. OSHA COMPLIANCE OFFICIALS ARE AUTHORIZED TO QUESTION PRIVATELY ANY CONTRACTOR, CONTRACTOR EMPLOYEE OR THEIR AUTHORIZED REPRESENTATIVES.

5. UNLESS SPECIFICALLY REQUESTED BY THE RESPONSIBLE OSHA OFFICIAL, INSTALLATION COMMANDERS AND SHIP COMMANDING OFFICERS WILL NOT PROVIDE CONTRACTORS WITH ADVANCE NOTICE OF OSHA INSPECTIONS EXCEPT IN CASES OF APPARENT IMMINENT DANGER TO NAVY OR CONTRACTOR EMPLOYEES. ANY PERSON WHO VIOLATES THE FOREGOING IS SUBJECT TO A FINE OF NOT MORE THAN $1000 OR TO IMPRISONMENT OF NOT MORE THAN SIX MONTHS, OR BOTH.

6. FULL INFORMATION REGARDING ANY OSHA INSPECTION/INVESTIGATION ABOARD SHIP SHALL BE REPORTED IN WRITING TO CHIEF OF NAVAL OPERATIONS WITH COPIES TO CHNAVMAT AND COMNAVSEA.

7. THE GUIDANCE IN THIS MESSAGE SUPERSEDES ALL PREVIOUS GUIDANCE ON OSHA ACCESS TO NAVY SHIPS. ALL INQUIRIES OR INTERPRETATIONS CONCERNING THIS GUIDANCE SHALL BE REFERRED TO CNO (OP-04). COMMANDERS ARE REQUESTED TO ISSUE INTERIM GUIDANCE DIRECTIVES TO ALL APPROPRIATE ACTIVITIES WITH COPIES TO CNO, CHNAVMAT, AND COMNAVSEA.

RT

SAFETY IN NUMBERS

ISSUE #8 Union Health & Safety Committee IAM Local Lodge 389 Jan. '79

ARE WE SAFE? . . . . NO

As you may know, last month there was an incident aboard the U.S.S. Ajax which shows that we are still not safe from the deadly exposures to asbestos.

There had been reports of loose asbestos aboard the ship. The B.A. for the Iron Workers called OSHA and requested an inspection. On Nov. 22, the OSHA inspector, the B.A., and other Iron Worker Health and Safety Reps boarded the Ajax to make the inspection. However, they were kicked off the ship by the ship's commanding officer before any investigation or samples could be taken. It took four hours of bureaucratic bullshit before the OSHA inspector got the O.K. to board the ship. But four hours was plenty of time to get all the loose asbestos cleaned up. So when the OSHA inspector and the union people reboarded the ship and made an inspection, they found a clean ship. Samples of materials were taken to be tested for asbestos.

It's been a month now since those samples were taken and OSHA still has not reported back their findings. But, according to the Iron Workers Safety Committee, samples they have had tested were proven to contain high levels of the deadly asbestos. What is OSHA waiting for?

This is just one example of the continuing exposure to asbestos. OSHA is not taking this seriously enough. We must build strong Health and Safety Committees and strong unions that will fight for our rights. Having healthy and safe working conditions is not a favor or a benefit, but a right of all workers. A right we must demand and fight for. Together we are the unions and the unions are our best weapons to fight for our rights.

If you have been or think you may have been exposed to asbestos, please contact us. We want to help stop this kind of senseless killing from continuing.

ASBESTOS CAMPAIGN

The Health and Safety Committee is trying to do something for those of us who have been exposed to asbestos (and other things). Medically there is no cure for asbestos-caused diseases. But there are ways to get compensation for the damage it causes. Individual suits, class action suits (like the one in Long Beach and San Pedro) and workmens compensation are all things that we can do.

The Health and Safety Committee is checking out testing for people who have been exposed to asbestos. Kaiser Medical has set up an Asbestos Registry and it is available to all Kaiser members. They will do detailed work historys, X-rays, and physical exams to look for asbestos problems. Anyone who works in a shipyard or around asbestos should see them, even if you are showing no symptoms today. It is important to record your baseline. Baseline is a measurement of how well your lungs work today. Baselines are important so you can prove damages in the future if you get sick. We encourage everyone to take advantage of this new program. To reach this asbestos register, contact your regular family practice doctor and ask for a referral to the Asbestos Registry.

By using Kaiser, people can get continuing medical tests. We are also looking into testing by community groups and the union itself. This way we can be tested together with more involvement from the people.

Thousands of workers and family members have been exposed to asbestos and the job of providing testing will be a big one. We will need your help!

If tests and medical exams show you are suffering from asbestos disease, we would like to help you get lawyers and fight for compensation. We are making many important contacts with legal and medical people who will help us. Contact us for more information on these referrals. Stand up for your rights!

The only time we will be safe from asbestos is when there is no more asbestos being used. We must put pressure on the companies to stop using this deadly material. The law suits and compensation claims add to this pressure because they feel it where it counts...in their pockets.

FEDERAL COMPENSATION ... YOUR RIGHTS

In 1972 the Longshoremans and Harbor Workers Act was revised. This federal law establishes federal workmens compensation. This compensation is different from state compensation and is available to shipyard workers, people engaged in maritime activity, and people working on the water.

Federal comp. provides more money in weekly payments and larger settlements than state comp. We are continuing to investigate the law and find out our rights. We do know that under federal compensation, all of us have the right to see a doctor of our own choice from the first day of injury. The cost of this medical treatment will be paid by the employer or insurance carrier. You do not have to be treated by a company doctor. You must choose a specialist to treat your injury or illness and pick up a form from the company for payment.

We will put out more detailed information in future newsletters. We encourage people to contact us if you need help filling out forms or have ideas that will help others.

HEALTH & SAFETY MEETINGS ARE THE 2ND WED. OF THE MONTH AT 7:30 AT THE IAM HALL
3911 Pacific Highway
San Diego, CA

SEGURIDAD EN UNIDAD

EDICION #8 EL COMITÉ DE SALUD Y SEGURIDAD DE LA UNION IAM LOCAL LODGE 389 Jan. 1978

ESTAMOS LIBRE DE PELIGRO.....NO

Como ya sabra usted el mes pasado hubo un incidente abordo del barco USS Ajax el cual nos mostró que todavía no estamos libre de peligro contra la exposición letal de asbestos. Ha habido reportes de asbestos suelto abordo del barco. El representante de los "Ironworkers" llamó al representante gubermental de la agencia OSHA y le pidió que inspeccionara el barco. El 22 de noviembre el inspector de la OSHA,el representante de los "Ironworkers" y algunos otros representantes del comité de salud y seguridad abordaron el barco Ajax para inspeccionarlo, pero furon sacados a la fuerza por el comandante antes de empesar la investigacion o tomar muestro del polvo. Toró cuatro horas de travas burocráticas antes de que se les permitera de nuevo la entrada tiempo suficiente para limpiar todo el asbestos suelto y cuando el inspector y el comité inspeccionaron el barco lo encontraron limpio. Se tomaron muestras de asbestos para determinar el grado de contaminacion.

A transcurrido un mes desde que se tomaron las muestres y OSHA aun no a reportado el resultado de la investigacion. De acuerdo al resultado del muestre tomado por el comité para salud y seguridad de los "Ironworkers" probaron contener altos niveles del letal asbestos.¿Que esta esperando OSHA?

Este es solo un ejemplo de la continua exposición de asbestos a la que esta expuesto el obrero. OSHA no esta tomando el asunto un serio. Devemos formar un comité para la salud y seguridad mas fuerte y una union fuerte que puede luchar por nuestros derechos. El tener buenas condiciones de Salud y seguridad para el trabajador no es un favor o beneficio sino un derecho de todos los trabajadores derecho que debemos demandar y luchar. Juntos somos la union y la union es nuestra mejor arma para luchar por nuestros derechos. Si usted ha estado o cree haber estado expuesto al asbestos por favor comunicarce con nosotros.Queremos poner un alto a este tipo de muertes insensatas.

CAMPAÑA DEL ASBESTOS

El comité de salud y seguridad esta tratando de hacer algo por aquellos que han estado expuestos al asbestos (y algunas otras cosas) no hay medicina ni curación para el mal causado por asbestos. Pero hay maners de conseguir una compención para compensar los daños que causa. Demandas indivíduales y demandas en masa (como las en Long Beach y San Pedro) y compensación de los trabajadores estado lo que podemos hacer. El comité de salud y seguridad ha estado examinando a personas que han sido expuestas al asbestos. Kaiser medical está proporcionando un registro para el asbestos y está a la disposición de todos sus miembros. Ellos harán historias detallas del trabajo, rayos, x, y exámenes físicos tratando de encontra problemas del asbestos.Cualquier persona que trabajá en un astillero o cerca del asbesto debe ir a verlos aunque ellos no tengan síntomas.

Es muy important archibar sus medidas de función. Las medidas de función son las medidas o capacidades formas de que tan bien estan trabajando sus pulmones. Las medidas de función quedan archivadas para que puedas probar daños en el futuroen caso que llegues a enfermar. Nosotros invitamos a todos usteded a aprovechar este nuevo programa. Para registrarse al program del asbestos comuníquese con su medico regulas de familia y pida que lo refieran al registro de asbesto. Usando Kaiser las personas pueden hacerse pruebas medicas continuas. Tambien estamos viendo la posibilidad de examinar a peronas en groupos de comunidad y la union misma, de este modonosotros podremos ser examinados juntos.

Miles de trabajadore y miembros de las familias han estado expuestas al asbesto y sera un gran labor proveer pruebas medicas, por lo tanto, vamos a necesitar tu ayuda.Si las pruebas y los examenes medicos indican que estas sufriendo una enfermedad causada por asbestos, nos gustaria ayudarte conseguir abogado para pelear por una compensación. Hemos estado haciendo muchos contactos muy importantes con abogados y medicos legales que nos ayudaran.

Para mas información al respecto ponte en contacto con nosotros. No vamos a estar a salvo del asbestos hasta que lo dejen de usar. Debemos de poner presión a las compañias para que dejen de usar este material asesino.

Los reclamos de compensación y demandas suman bastante presión porque lo sienten donde cuenta... .....en sus bolsillos.

COMPENSACIÓN FEDERAL .....SUS DERECHOS

En 1972 la acta de los estivadores y trabajadores de bahia fue renovada. Este ley federal establece compensación federal para el trabajador. Esta compensación es diferente a la compensación del estado y se les aporporciona a los trabajadores de los astilleros , gente en las actividad marina y gente trabajando sobre el agua.

Casi todo el tiempo que se lastimas o se enferme en su trabajo recibes compensación del estado pero esto no tiene que ser. La compensación federal aproporciona mas dinero en pagos semanales y pensiones más grandes que la compensación estatal. Estamos continuando a investigar la ley y encontrar mas derechos nuestros. Nosotros sabemos que bajo la compensación federal todos tenemos el derecho de escoger al medico de nuestra selección el primer dia que nos lastimemos. El coste de este tratamiento sera pagado por el empleador o quien cargue nuestros seguros. No tienes que recibir tratamiento por un medico de la compañia. Tienes que escoger un especialista para que te haga tratamiento de sus heridas o enfermedades y obtenner una forma de pago con la compañia. En el futuro les enformaremos con mas detalle con folletos como este. Suplicamos a todo mundo que se comunique con nosotros si necesitan ayuda a llenar estas formas o que tengan ideas con que nos puedan ayudar.

LAS JUNTAS DE SALUD Y SEGURIDAD SON CADA SEGUNDO MIERCOLES DEL MES A LAS 7:30. EN EL SALON DE LA I.A.M. 3911 Pacific highway San Diego, Cal.

RECEIVED
MAY 14 1979

Federal Employees Metal Trades Council

JOHN C. ROBINSON
PRESIDENT

PHONE (707) 646-2112
(707) 552-1807

Affiliated with the Metal Trades Department
AFL-CIO

P.O. BOX 2195
VALLEJO, CALIFORNIA 94592

GEORGE F. KINYONE
1ST VICE-PRESIDENT

MIKE M. DEENY
2ND VICE-PRESIDENT

LLOYD C. SMITH
SECRETARY-TREASURER

10 May 1979

C - S
H

Mr. P. J. Burnsky, President
AFL-CIO Bldg
815 16th Street, N. W.
Washington, D. C. 20006

Dear Mr. Burnsky,

1. Unsafe working Condition in tanks: Mr. Ernie Taylor was required to work in MBT 7B tank, on the SSBN 598, without a standby coworker or supervisor. The above employee was required to work in this tank without a gas test. Mr. Taylor's supervisors were aware of this unsafe working condition. Mr. Kozak, Foreman; Mr. Preston, General Foreman; Mr. Mortensen, Shop Superintendent; Mr. G. J. Gioana, Group Superintendent.

2. Shop 17 required Mr. C. Y. Mar and other employees to fabricate asbestos gaskets for heaters aboard submarines. All supervisors in the shop were aware of this health hazard material. Supervisors aware of the above action were Mr. Max Church, General Foreman and Mr. Frank Conklin, Sheetmetal Shop Superintendent. All employees in building 1310, were possibly exposed to asbestos.

3. Working in tanks: Mr. John Morris, a sheetmetal shop employee was required to work aboard ship in a tank with unsure footing, no standby coworker, or supervisor present. The following supervisors were aware of this incident. Mr. Yarbrough, and Mr. Conklin.

4. Unsafe working condition: Mr. Robert Dues, a sheetmetal shop employee, lost the use of his first finger and one joint on the second finger. This injury was caused by sheetmetal shop negligence in operating machinery without proper "hand guards". The following supervisors were aware: Mr. Sarmiento; Mr. Max Church; and Mr. Frank Conklin. The sheetmetal shop management maintained the installation of "guards" would slow down production.

5. Unsafe working condition: Mr. General Paige, a sheetmetal shop employee, lost the partial use of one finger. This accident was caused by the malfunction of "blade guard" on a circular saw. The sheetmetal shop management was aware of this unsafe working condition.

6. Shop 99 personal were ordered to clean up asbestos breaks in the Foundrey without proper protection.

7. Supply people were ordered to clean up a building that had asbestos dust throughout the building for a period of 2 years. Management knew it was asbestos dust and did not inform people of the hazards.

8. One worker was ordered to work in rector with asbestos all around until someone could determine if it was asbestos.

9. A man was ordered to work in tank on the ship without having a gas test.

10. Two riggers were ordered to move a heavy covering which was unsafe in the process one was hit by the covering and is permantly paralized.

11. A man was ordered to run a hydro-blaster without proper safe guards and also he had not been properly trained to run the blaster the results of this was that the man cut his throat.

12. A pipefitter was ordered to work with toxic acids without proper protective clothing. He received 3rd degree burns on both legs.

13. A rigger was ordered to work on top of a submarine without proper safety equipment. He fell off of the submarine and he is now permantly on limited duty.

BREMERTON METAL TRADES COUNCIL

AFL-CIO

850 BURWELL STREET
BREMERTON, WA 98310
377-0811

POST OFFICE BOX 448
BREMERTON, WA 98310

October 11, 1979

RECEIVED
OCT 18 1979

Mr. Saul S. Stein
Research and Education Director
Metal Trades Department, AFL-CIO
AFL-CIO Building
815 16th Street N.W.
Washington, D.C. 20006

Dear Sir and Brother:

You have called our attention to the letter addressed to you on September 7, 1979 by Hon. Joseph Gaydos, Chairman, Sub-Committee on Health & Safety, Committee on Education and Labor, House of Representatives, Congress of the United States.

Specifically, you have requested that we respond to Paragraph 1, Sub-Paragraph 2, "Transcript, Page 33: copies of misleading safety reports from Naval management." and Sub-Paragraph 3, "Transcript, Page 34: evidence showing how records have been falsified."

With regard to Sub-Paragraph 2, Paragraph 1 of Chairman Gaydos' letter, we enclose a copy of a routine Summary of industrial injuries from Puget Sound Naval Shipyard under date of 18 April 1979. This is not a Classified document. We feel that reports of this type are misleading simply because they fail to reflect the many federal employees on limited duty as a result of physical limitations received through industrial injury or illness. Many of these workers have, traditionally, been given unnecessary or "mock" jobs at their regular pay and allowances so that they would not be carried on worker's compensation as a safety statistic. In this and other ways Naval management conceals from the Congress and the public the true cost of safety losses in public shipyards.

With regard to Sub-Paragraph 3, Paragraph 1 of Chairman Gaydos' letter, we call your attention to our letter to President Burnsky dated May 11, 1979 in which we stated, "we are prepared to give detailed and sworn testimony ..." (to our allegations). In our career and labor capacities we see many altered safety documents. I am sure that we would be permitted by law to give such testimony to a committee of Congress. However, it would appear improper for us to copy or distribute such documentation for the simple reason that our shipyard is a classified facility. However, I am sure that such documents are available to the Congress under its powers of investigation and subpoena.

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Additionally, it would not appear to be in the public interest for us to place too much information of this type on the public record since we do not have control of the documentation which might easily be lost, misfiled, etc.

Fraternally,

PATRICK G. TOOMEY, PRESIDENT
Bremerton Metal Trades Council

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opeiu 23

CODE 160 WTC (8)

DEPARTMENT OF THE NAVY
PUGET SOUND NAVAL SHIPYARD
BREMERTON, WASHINGTON 98314

IN REPLY REFER TO
185:BCP:lb
5100
18 APR 1979

MEMORANDUM FOR DISTRIBUTION

Subj: Monthly Review of Lost Time Injuries for March 1979

Encl: (1) Injury Summary

1. During the month of March, 50 injuries were reported that resulted in lost workdays for which pay was continued. 29 of these lost time work injuries occurred in previous months but were not reported on previous reports.

STRUCTURAL GROUP

A Shop 11 Shipfitter sustained contusions of back with possible strains when he tripped on a dust pan, aboard the CV-43.

A Shop 11 Shipfitter sustained low back strain when he threw a piece of metal, in Bldg 460.

A Shop 11 Shipfitter sustained a contused sacrum when he slipped on a sheet of lead shielding, aboard the CVN-65.

A Shop 17 Sheetmetal Mechanic sustained lumbo sacral strain, crawling from an escape scuttle, aboard the SS-567.

A Shop 26 Welder sustained laceration left heel while swimming in Hawaii.

A Shop 26 Welder sustianed contusion left chest wall when involved in a vehicle accident in Honolulu.

A Shop 41 Boilermaker sprained the right ankle while crawling out of a confined area, aboard the CVN-65.

MACHINERY GROUP

A Shop 31 Machinist sustained spasm of para spinal muscles while working with a pump shaft in a vise, in Bldg 431.

A Shop 31 Machinist sustained spasm of neck muscles, exerting pressure on a hydraulic press, in Bldg 431.

A Shop 31 Machinist strained left chest and shoulder muscle when he slipped and fell, in Bldg 431.

A Shop 31 Rubber Worker sprained his right ankle when he stepped off a ladder, aboard the CGN-9

MACHINERY GROUP (cont)

A Shop 38 Machinist sustained an infected knee when he struck against a condenser, aboard the SSN-659.

A Shop 38 Marine Machinist sustained chemical abrasions both eyes when struck by hydraulic oil, aboard the CV-43.

A Shop 38 Marine Machinist sustained low back strain while sliding a drill press onto a pallet, in DD-4.

A Shop 38 Machinist sustianed amputation middle finger when his hand became jammed between the cutting arm and frame of a milling machine, in Bldg 431.

A Shop 38 Marine Machinist strained lower back while lifting a piece of steel off of a lathe, in Bldg 431.

A Shop 38 Machinist sustained possible torn medial collateral ligament and cartilege when he slipped on an oily spot on the floor, in Bldg 431.

A Shop 56 Pipefitter sustained flashburn, both eyes while working next to a welder, aboard the SSN-684.

A Shop 56 Pipefitter strained lower back while working on a valve, aboard the CVN-65.

A Shop 56 Pipefitter sustained laceration left index finger with laceration to tendon when he struck against a pipe, in Bldg 107.

A Shop 56 Pipefitter sustained contusion, abrasion and fracture right index finger when his hand was caught in the "end prep" machine, aboard the CG-33.

A Shop 56 Pipefitter strained lumbar muscles while reaching down to pick up an object, aboard the YR-11.

A Shop 56 Insulator sustained acute left sacro iliac strain while working in a confined area, aboard the CVN-65.

A Shop 56 Pipefitter sustained contusion right side of head when he struck his head against the decking, aboard the AOE-1.

A Shop 81 Helper sustained contusion left testicle when struck by a broken pneumatic grinder wheel, in Bldg 147.

Subj: Monthly Review of Lost Time Injuries for March 1979

SERVICE GROUP

A Shop 64 Woodcraftsman sustained acute lumbo sacral strain when he reached down for a tool bag, in Bldg 460.

A Shop 64 Shipwright sustained lumbo sacral strain when he stepped on a piece of loose staging, in Bldg 856.

A Shop 71 Painter sustained back sprain while crawling around in a confined area, aboard the CVN-65.

A Shop 71 Painter Worker sustained contusion left posterior chest when he became lodged in a tight area, aboard the SSN-684.

A Shop 71 Painter sustained foreign body with rust ring, cornea right eye when dirt blew in his eye, aboard the SSN-684.

A Shop 71 Painter sustained laceration left forehead when struck by a pipe flange, aboard the CG-33.

A Shop 71 Painter Worker strained left shoulder muscle, while scraping paint on the hull of the CVN-65.

A Shop 71 Electroplater sustained acute lumbo sacral strain while lifting an end bell off a table, in Bldg 99.

A Shop 71 Sandblaster sustained contusion upper sternum when he slipped in a tank and fell to the bottom, aboard the SSN-684.

A Shop 71 Laborer sustained muscle spasms of right erector back muscle when he fell from a ladder, aboard the CG-33.

A Shop 72 Rigger sustained low back strain while lifting heavy equipment and pulling, aboard the CVN-65.

A Shop 72 Laborer sustained contusion right wrist and elbow when he fell through an opening, aboard the CG-33.

A Shop 72 Rigger sustained thoracic strain while bending over to pick up some gear in DD-6.

A Shop 72 Rigger sustained contusion and abrasion, right thigh when struck by a falling condenser, aboard the CVN-65.

SERVICE GROUP (cont)

A Shop 72 Rigger Helper sustained a hernia while pulling on heavy wire in the Scrapyard.

A Shop 72 Rigger Helper sustained contusion left foot when struck by a piston, aboard the CVN-65.

A Shop 72 Laborer sprained his left ankle when he jumped down onto a barge in DD-6.

A Shop 72 Rigger sustained acute chronic low back strain while moving a pallet board in Bldg 431.

A Shop 72 Fabric Worker strained left shoulder when closing a large door, in Bldg 460.

A Shop 99 Electrician strained left shoulder muscle while pulling and lifting electric cable, in Bldg 456.

A Shop 99 Pipefitter Apprentice sustained a herniated disc while lifting and placing heavy pipe, in Bldg 839.

ELECTRICAL GROUP

A Shop 51 Electrician sustained post foreign body conjunctivitis when wind blew fiber glass and paint chips into his eyes, aboard the CG-33.

PUBLIC WORKS

A Shop 07 Carpenter strained his back when a desk he was lifting, slipped from his grasp, in Bldg 448.

CODES

A Shop 60 Accounting Technician sustained possible fracture left foot, when his shoe caught on a stair tread and he fell, in Bldg 467.

2. A quick review of the March injuries shows 28 strains/sprains (56%) as the principal cause of lost work days during the month. 11 contusions (22%), 4 foreign bodies in eyes and 7 miscellaneous injuries completes the injury picture for this past month. The 50 LTI's for March generated a large part of the 752 lost work days for the month and assisted considerably in reaching the figure of 1917 lost work days so far for the year.

Subj: Monthly Review of Lost Time Injuries for March 1979

Limited duty days for the first three months add up to 4643 days of marginal production. Add 1917 lost days to limited duty and we come up with a figure of 6560 lost and marginal productive days, which undoubtedly cost the United States Navy and the Federal Government in excess of $500,000 when one considers medical fees, travel, lost income taxes, lost production, wages, etc.

What can we as managers do about job injuries; how can we turn these numbers around; how can we slow down the rapid rate of increase that we are experiencing? Well, it isn't easy, but we've got to keep trying. For starters, why not set aside some time (a few minutes) just for safety improvement in your area. Make a list of your line supervisors and randomly select one for a visit every other Thursday before payday; sit in on the Stand-Up Safety talk - answer questions - ask a few questions yourself, talk about safety for a few minutes. At other times, walk thru the work areas, specifically looking for safety problems, e.g., unsafe acts, unsafe conditions; along the way enforce a few broken safety rules; tag the violators; in other words, show your employees by your actions that their safety is really important to you and the Shipyard family. Know what ------- once the employees know you're concerned, know you mean business, that you'll only accept what's best for their personal safety, the Shipyard will experience a turn around from the high incident rate we've had these last few months. Why, because more employees will begin to take an interest in working safely, they'll even assist, once they know you mean business. Yes - doing these things will mean more work, more things to do - but - nobody told you that being a manager was going to be easy. At least give your own personal safety program a try and watch these figures drop in the next 4/5 months.

B.C. Parker

B.C. PARKER
Acting Safety Director

DISTRIBUTION
Lists A & B

13ND PSNS 12810/9(10-77)

INJURY SUMMARY REPORT

FOR MONTH OF MARCH 1979

SHOP	INJURIES REPORTED: FIRST AID mo	FIRST AID yr	RECORDABLE NOT DISABLING mo	RECORDABLE NOT DISABLING yr	LIMITED DUTY mo	LIMITED DUTY yr	LOST WORK mo	LOST WORK yr	TOTALS mo	TOTALS yr	DAYS LOST: LOST WORKDAYS mo	LOST WORKDAYS yr	LIMITED DUTY mo	LIMITED DUTY yr	AVERAGE TOTAL EMPLOYEES mo	AVERAGE TOTAL EMPLOYEES yr	INJURIES* PER 100 EMPLOYEES mo	INJURIES* PER 100 EMPLOYEES yr	LOST WORKDAYS* PER 100 EMPLOYEES mo	LOST WORKDAYS* PER 100 EMPLOYEES yr	LIMITED DUTY* DAYS PER 100 EMPLOYEES mo	LIMITED DUTY* DAYS PER 100 EMPLOYEES yr
02	4	6	7	21	1	3	0	1	12	31	17	36	38	100	259	261	5	12	7	14	15	38
03	1	1	1	6	1	1	0	0	3	8	0	9	12	31	153	152	2	5	0	6	8	20
07	0	1	10	20	2	5	1	4	12	29	3	10	88	232	208	210	6	14	1	5	**42**	110
11	12	33	28	57	6	12	3	9	47	110	50	105	154	475	441	441	**11**	**25**	11	24	35	108
17	5	16	14	24	0	3	1	2	19	45	11	16	39	100	336	330	6	14	3	5	12	30
26	4	18	34	88	5	14	2	11	45	133	72	222	82	223	570	580	**8**	23	13	38	14	38
41	6	12	10	31	1	2	1	2	17	46	2	-13	77	210	154	154	**11**	**30**	1	0	**50**	**136**
06	0	2	3	13	2	5	0	1	5	21	22	39	15	92	270	271	2	8	8	14	6	34
23	0	0	0	2	0	1	0	1	0	4	0	13	22	48	19	18	0	22	0	**72**	**116**	**267**
31	5	24	18	40	7	16	4	7	32	86	32	91	32	125	699	703	5	12	5	13	5	18
38	11	26	37	93	8	24	6	24	59	166	163	539	-3	253	854	851	7	20	**19**	**63**	0	30
56	12	31	38	91	14	28	7	17	66	163	159	405	280	696	972	963	7	17	16	42	29	72
81	0	1	3	7	1	3	1	1	5	12	32	73	2	4	53	52	**9**	23	**60**	**140**	4	8
94	0	0	1	2	0	0	0	0	1	2	0	0	0	0	14	15	7	13	0	0	0	0
51	5	15	15	46	8	19	1	4	28	84	23	13	173	591	548	547	5	15	4	2	32	108
67	1	4	3	7	0	0	0	1	4	12	22	49	22	72	306	303	1	4	7	16	7	24
64	3	6	6	16	2	10	2	4	13	36	12	26	80	255	206	207	6	17	6	13	39	**123**
71	2	14	16	52	11	23	9	11	34	98	24	43	117	278	380	383	**9**	**26**	6	11	31	73
72	8	31	24	63	10	33	10	25	49	149	72	160	139	437	644	636	**8**	23	11	25	22	69
99	4	9	7	16	4	9	2	3	16	36	33	65	62	183	192	186	**8**	19	**17**	35	32	98
other	0	2	10	20	2	10	0	2	12	35	0	12	26	71								
Graded	6	16	15	53	3	8	1	2	24	78	3	4	96	167								
TOTALS	89	268	300	768	88	229	51	132	528	1384	752	1917	1553	4643								
	①	②	③	④	⑤	⑥	⑦	⑧	⑨	⑩	⑪	⑫	⑬	⑭	⑮	⑯	⑰	⑱	⑲	⑳	㉑	㉒

SAMPLE CALCULATION:

tot.inj.reported,mo (9) / av.tot.employees,mo (15) x 100 = injuries per 100 employees,mo (17)

*The highest 3 #'s in each column have been darkened for emphasis.

MAJORITY MEMBERS:
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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON HEALTH AND SAFETY
B-345A RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

March 14, 1980

Mr. John F. Galuardi
Assistant Commissioner for
Buildings Management
General Services Administration
18th and F Streets, N. W.
Washington, D. C. 20405

Dear Mr. Galuardi:

During your testimony before the Subcommittee on Health and Safety on September 12, 1979, additional questions arose which, because of the press of time, we were unable to fully explore.

Accordingly, at this time I am enclosing a copy of these questions. I would appreciate your cooperation in responding to them.

Sincerely,

JOSEPH M. GAYDOS
Chairman

JMG:mlc

QUESTIONS ADDRESSED TO JOHN F. GALUARDI

SAFETY AND HEALTH OFFICIAL, GENERAL SERVICES ADMINISTRATION

1. To whom to you report with respect to safety and health matters?

2. How many collateral duty safety and health officials are employed by GSA?

3. To whom do they immediately report?

4. How are their activities with respect to safety and health matters monitored?

5. What is your responsibility with respect to supervision of these people?

6. Over the last five years has your department kept records of all occupational injuries and illnesses?

7. What did these records include:

   a. Number of annual accidents of occupational illnesses?

   b. Number of annual injuries?

   c. Number of annual claims for injuries, accidents, or illnesses:

   d. Costs of these claims?

8. Does the record for each individual's injury or illness state any determination as to the cause of the injury or illness?

9. How do you evaluate the data in your records?

   a. Do you look for repetitive situations?

   b. Do you look for a high incidence of injury or illness occurring in one location?

c. Do you look for a common element causing the known hazard?

d. How effective are your records for discovering that common element?

e. Does your recording system enable you to determine a pattern?

10. Do you keep records of what hazards have been corrected and the manner of correction?

11. How many employees are involved in the recordkeeping function?

12. How many employees are involved in the evaluation of these records?

13. OSHA is required to provide leadership and guidance to the heads of federal agencies to assist them in fulfilling their occupational safety and health responsibilities. This assistance can be in the form of detailed written guidelines, consultations, or other services as deemed appropriate:

Has your agency requested any of these services --- those described in Section 3 of Executive Order 11897 --- from OSHA? If so, when was the request made and what service or assistance was involved?

14. Was the requested service or assistance provided?

15. Have any of these evaluations included workplace surveys or inspections to determine the effectiveness of the program at the workplace level? If workplace surveys were not made by OSHA, was it because of OSHA's choosing or was it because they were not allowed to do so by your agency? If OSHA was not allowed to make workplace surveys or inspections, why not?

16. Has your agency contracted out with any outside organizations for program effectiveness evaluations? If so, can you identify the organizations and what were the results of these evaluations?

17. In your opinion, how effective or useful was the service or assistance to your agency in establishing or maintaining its occupational safety and health program?

18. OSHA is required to evaluate the occupational safety and health programs of federal agencies. (Annual evaluations are required for all agencies employing more than 1,000 persons.)

Has your occupational safety and health program been evaluated by OSHA? If so, how many times has your program been evaluated? When was the last evaluation completed?

19. What were the results of the last OSHA program evaluation? If deficiencies were noted, did OSHA follow-up with your agency to determine if appropriate corrective action had been taken?

20. How many of the 37,500 employees of GSA are represented by federal employee unions which hold national consultation rights?

21. How many collective bargaining agreements between the GSA and federal employee unions contain provisions with respect to safety and health?

22. Does GSA in fact consult with these unions with respect to changes in procedures, standards, etc?

23. Do these collective bargaining agreements provide for union representatives to accompany GSA representatives when making safety and health inspections?

24. You refer to three different types of survey: self survey, safety and health survey, and fire safety survey. Would you please describe these various surveys in greater detail:

25. What do you mean by, "appropriately qualified persons at specified frequencies"?

26. If formal reports are not prepared, how are the results communicated to the employees, to supervisors, and to top agency officials?

27. Are routine follow-up inspections made to determine whether or not appropriate corrective action was taken?

28. Are top department officials routinely made aware of the hazardous conditions which have not been corrected within a reasonable period of time?

How is this being done?

If it is not being done, why not?

29. How is the inspection or investigation initiated?

a. Upon an employee's complaint or inquiry?

b. Upon an employee organization representative's inquiry or complaint?

c. Agency initiated investigation?

30. Could you provide information on the total number of inspections, surveys, or program evaluations completed by or for your agency during the last two calendar years and indicate who made the inspections or evaluations, the purpose of the inspections, surveys, or evaluations, and the number of safety and health deficiencies noted?

31. Could you show how many of the identified deficiencies have been corrected and how many still need to be corrected?

32. Does your agency have a plan of action to correct those that have not yet been corrected?

33. Have funds been requested to correct such deficiencies? If so, how much and when were the requests made? If no funds were requested, why not?

34. Are there any problems in getting funding to complete occupational safety and health hazard abatement projects? If so, what are the problems and what is being done to resolve them?

35. How many employees are assigned to administrative and enforcement functions?

36. What is the cost of the administration and enforcement programs?

37. Certain of previous witnesses before this Subcommittee who were employed by other federal agencies have complained that GSA has been either nonresponsive or dilatory in responding to complaints concerning hazardous conditions in federal buildings for which GSA is responsible. Is it within your responsibility to enforce the program of resolving these complaints?

38. What specific procedures has GSA furnished the various federal agencies in order to process these complaints?

39. What procedures does GSA have to expedite the correction of these hazardous conditions?

40. We have also heard from previous witnesses testimony concerning the material safety data sheets. I think you will agree that the responsibility for the accurate preparation as well as effective distribution of this information to the affected federal agencies is very critical. Who is responsible for assuring that this activity is properly carried out?

41. How many employees in GSA are involved in this activity?

42. You refer to the present system of collecting data which is manual, as limiting the ability of the agency to make effective use of data with respect to accidents, injuries, and the causation thereof. Can you be a little more specific as to what you anticipate will be the tangible benefits and results of the ADP system which will be implemented in 1980?

43. Will you furnish the Subcommittee for the past three years the following:

a. The occupational safety and health budget for GSA submitted to OMB

b. the actual request of GSA to Congress

c. The estimated cost in order that GSA and/or its facilities will conform with OSHA standards.

44. With respect to variances from standards, what do they specifically entail?

Did you consult with OSHA on these variances?

45. For the last two years has GSA used outside consulting firms for occupational safety and health matters?

If so, what were these reports on and what was the response of GSA?

46. With respect to the use of asbestos in federal buildings, what is the current status as far as danger to federal employees?

47. With respect to the OSHA evaluation of GSA issued in August 1979, will you please specify what actions GSA has taken in complying with OSHA's recommendations in the following matters:

Employee Involvement

Executive Support and Duties

Safety and Health Staff and Functions

Operating Management and Supervisory Duties

Safety and Health Standards Adoption

Safety and Health Training Activities

Inspection and Hazard Abatement Procedures

Recordkeeping and Reporting Procedures

Promotional and Interagency Activity

Intra-Agency Evaluation Procedures

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