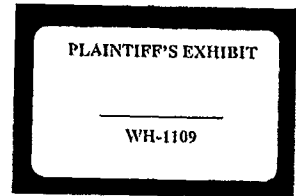


INTRODUCTION

We have completed a review and inventory of the files which are present in the Industrial Hygiene Department at the Research & Development Center. The document collection dates back to the early 1930s, in that the beginning of the Department.

Almost all of the pre-1984 document collection is contained on microfiche cards. The microfiche collection consists of approximately 4 feet of cards, and each card contains anywhere from one to forty documents. In addition to the files maintained on Microfiche, Industrial Hygiene also currently maintains approximately 14 file cabinets of records in hard copy.



Microfiche Records

The microfiche records are maintained by the Department in categories identified as follows:

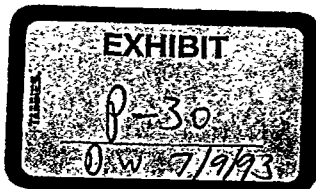
- (a) Plant correspondence files dated prior to January 1, 1978. These files are categorized by Westinghouse

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location. There are 485 microfiche cards in this category of documents. A representative sample of the types of documents which are contained in these files can be found at Tab 1. These files contain a wide variety of documents including correspondence to and from Barnes, Speicher and other Industrial Hygiene Department personnel, employee exposure records (bio-assay, radiation, etc.), air sampling data, industrial hygiene audit and trip reports, hygiene procedures, material safety data sheets, product and chemical information, lists of chemicals used at various Westinghouse sites, plant clean-up files, etc.

(b) Plant correspondence files dated subsequent to January 1, 1978 through 1985. There are 344 microfiche cards in this category of documents. The types of documents contained in these files are the same as those mentioned in paragraph (a) above, with the exception of employee-specific exposure test records such as bio-assay and radiation. Air sampling data is contained in these files.

(c) Test records dated prior to January 1, 1978. There are approximately 222 microfiche cards in this category of documents. These files include air sampling data dating back to the 1930s, employee and site specific radiation exposure records, and employee and site specific bio-assay records. A

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representative sample of the types of documents which are contained in these files can be found at Tab 2. As stated above, test records dated prior to 1978 (air sampling, bio-assay and radiation) are also contained in the plant correspondence files dated prior to January, 1978.

(d) Test records dated subsequent to January 1, 1978 through 1984. There are 210 microfiche cards in this category of documents. This category includes air sampling data, employe and site specific bio-assay records, and employe and site specific radioactive smear results. A representative sample of the types of documents which are contained in these files can be found at Tab 3. As stated above, air sampling data dated subsequent to January 1, 1978 is also contained in the plant correspondence files dated subsequent to 1978.

(e) Records identified as "Historical Files of Industrial Hygiene Department" which date from 1936. There are 112 microfiche cards in this category of documents. These files are categorized by chemical substance, and represent essentially the Industrial Hygiene Department's investigation into various chemical substances, and contain recommendations in regard to safe use and handling of the various substances. These files also contain, inter alia, information concerning previous Westinghouse Atomic Energy Commission and state

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licenses for radioactive materials, a corporate noise survey conducted in 1974, and some employee and site-specific test data. A representative sample of the types of documents which are contained in these files can be found at Tab 4.

Each of the above document categories, as described above, is maintained separately within the card catalog.

Records Maintained in Hard Copy

In addition to the files maintained on microfiche, as stated before, Industrial Hygiene also currently maintains approximately 14 file cabinets of records in hard copy. The hard copy records are maintained or can be broken down into the following categories:

- (a) Plant correspondence files dated subsequent to 1985. These documents total approximately one file drawer, and contain essentially the same types of documents as earlier plant correspondence files.

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(b) Test records dated subsequent to 1984. These documents total approximately two file drawers, and contain essentially the same types of documents as earlier test record files.

(c) Material cards, material safety data sheets, purchasing department spec cards, safe practice data sheets and safe practice data sheet historical files. These documents fill approximately five file cabinets. A representative sample of an M-Card, MSDS, PDS card and a SPDS can be found at Tab 5. In addition, a representative sample of the types of documents which are contained in an SPDS historical file can be found at Tab 6. These historical files contain, at least in part, the history of the development of the safe handling, warning and caution paragraphs which appear on M cards, PDS cards and safe practice data sheets. The "history" is primarily in the form of correspondence to and from Industrial Hygiene, information supplied by manufactures, brochures and technical information. The correspondence frequently details the dangers of various chemicals, products and processes.

(d) Procedure or guideline documents. Examples of procedure or guideline documents which are maintained in Industrial Hygiene files include "dioxin-furan health hazard training," radiation protection programs, radiation guidelines,

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noise reduction procedures, heat control procedures, asbestos removal, shipment of hazardous waste procedures and ventilation procedures, to name a few. Westinghouse, and Industrial Hygiene in particular, played an active role in the development of many of these procedures and guidelines. An example of a procedure or guideline document can be found at Tab 7.

(e) Technical literature and reports. Industrial Hygiene's files contain a substantial amount of Westinghouse generated and non-Westinghouse generated (for example, NIOSH) technical literature. Most of the literature is of recent vintage.

(f) Federal, state and local laws and regulations (OSHA, EPA, NIOSH, etc.) which impact on industrial hygiene.

(g) Miscellaneous.

1. Workmen's compensation files (1961-present), which include pleadings, medical records, correspondence, results of product and chemical investigations, procedures and technical literature.

2. Seminar and educational materials.

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3. Audit report drafts and work papers.

Records Maintained At The
Records Retention Center, Boyers, Pennsylvania

There are currently no hard copy Industrial Hygiene files at the Document Retention Center at Boyers, Pennsylvania. However, the "Mines" does maintain 26 rolls of microfilm records for Industrial Hygiene which are copies of the microfiche records maintained at Industrial Hygiene.

DISCUSSION

The majority of the documents in Industrial Hygiene's files are potential "smoking gun" documents. This is so because of the nature, duties, obligations and responsibilities of the Industrial Hygiene Department. The approximately 57-years of Industrial Hygiene files which are in existence today are filled with technical information, procedural information, safe-handling information, hazard information, recommendations and test results. The files are filled with documentation which critiques and criticizes, from an industrial hygiene

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perspective, Westinghouse manufacturing and non-manufacturing operations. This documentation often times points out deficiencies in Westinghouse operations and suggests recommendations to correct these deficiencies. Industrial Hygiene's files contain information which details the various chemical substances used at Westinghouse sites over the years, and often times the inadequacies in Westinghouse's use and handling of the substances. The files contain many years of employee test results, some of them unfavorable. Industrial Hygiene, by performing its job, creates, daily, potential smoking gun documents.

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Plant Correspondence Files

Please see, for example, Wilbur Speicher's letter dated November 7, 1960 which can be found in Tab 1. Correspondence of this type was, and continues to be, frequently generated by Industrial Hygiene. Dr. Speicher's correspondence might show early knowledge of the Corporation to certain health hazards associated with epoxy resin dissolving agents. What use did the Corporation make of this knowledge to protect employes and the public? If none or very little, then this document might become a "smoking gun".

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Industrial Hygiene audit and trip reports certainly qualify as potential smoking guns. Industrial Hygiene, in each plant audit, critiques and criticizes the facility from an industrial hygiene perspective. Industrial Hygiene also makes recommendations to improve the hygiene of the plant. The smoking gun possibilities of such documentation are readily apparent.

The plant correspondence files do, though, indicate that for decades Westinghouse has had a very positive and active industrial hygiene department. But at least for the period subsequent to the mid-1970s, it is usually impossible to determine what Industrial Hygiene recommendations were implemented. The follow-up, if any, was just not documented. In addition, Industrial Hygiene's authority regarding implementation was very limited. As a result, the "smoking gun" possibilities of the older plant correspondence files are great.

Site and Employee Specific Test Records

Again, it is readily apparent why some of this documentation might present problems. If air sampling results,

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bio-assay test results and/or radiation test results exceed allowable limits, the possible consequences as far as litigation is concerned are apparent. In addition, the fact that the Corporation performed, for example, air sampling for certain substances as early as 1940 (which it in fact did) might be used to prove early knowledge on the part of the Corporation of hazards associated with such substances.

Material Cards, Material Safety Data Sheets, Purchasing Department Specification Cards, Safe Practice Data Sheets and Historical Safe Practice Data Sheet Files

Again, the smoking gun possibilities of these documents are clear. If, for example, the safe practices detailed in safe practice data sheets are not made a part of a site's industrial hygiene program and communicated to employees, the potential future problems are readily apparent. In addition, if the information is not or was not conveyed to customers, the public, etc., again the potential future problems are readily apparent.

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Procedure and Guideline Documents

The discussion in the preceding paragraph applies with equal force here

Technical Literature

As stated before, the amount of technical literature in the files of Industrial Hygiene is quite substantial. Again, this documentation might be used to prove knowledge on the part of the Corporation.

RECOMMENDATIONS

In order to determine whether or not to discard any of the records currently maintained by Industrial Hygiene, the risks of keeping the files must be balanced against the advantages of maintaining the records. Similarly, the disadvantages of not having records needed by the Corporation in litigation must also be balanced against the cost and inefficiencies associated with maintaining valueless records. Some questions related to these determinations include:

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1. What are the chances of litigation? Is it pending or imminent?
2. In case of litigation, which party would have the burden of proof?
3. When does the statute of limitations run?
4. What records are necessary for the continued operation of the Department?
5. What records is the Corporation required to maintain pursuant to law?
6. Do the Westinghouse records retention guidelines cover any or all of the records?

Taking into consideration the above questions, and after conducting legal research and a review of the Westinghouse records retention guidelines, we recommend the following action be taken in reference to Industrial Hygiene's files.

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Plant Correspondence Files (excluding air sampling data and employe test results such as bio-assay, radiation, etc.)

These records are not required pursuant to any federal, state or local laws and/or regulations. The Westinghouse domestic records retention guidelines do not specifically address these records. We recommend that all such files generated prior to 1974 should be discarded. As stated before, these records are filled with documentation dating back to the 1930s which critiques and criticizes Westinghouse operations, and points out deficiencies in such operations. The files are filled with technical product and chemical information, hazard information and safe-handling information, most of it generated by the Industrial Hygiene Department in an "editorializing" and opinionated manner. The files are not used in the daily operation of the Department. In our opinion, the risks of keeping these files on the whole substantially exceed the advantages of maintaining the records for the following reasons:

1. The substantial bulk of the correspondence was written by the Department in an editorializing, opinionated and verbose manner, instead of strictly factual. In addition, the Industrial Hygiene Department, prior to 1974, was involved in testing and evaluating the safety of everything from water coolers to gloves. From a review of the files, it appears that

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the Department commented and editorialized on just about everything which might have been found in the workplace. This "self-analysis" and "editorializing" type of information can be dangerous. This is just the type of documentation which should be discarded from the files. Correspondence generated subsequent to 1974, generally speaking, does not suffer from these drawbacks.

2. Industrial Hygiene's knowledge and know-how improved substantially during the early 1970s. Even testing and sampling techniques improved. Consequently, the conclusions, guidelines and recommendations as contained in the plant correspondence files generated prior to approximately 1974 are not as valid and reliable as those contained in records generated subsequent to this time.

3. Industrial Hygiene followup improved during the 1970s. A major problem in dealing with the plant correspondence files concerns the question of what use did the Corporation make of the information contained in these files. For example, were Industrial Hygiene's recommendations implemented at the plant level? Was the body of information generated by the Department communicated to the Corporation's hourly employees? The public? Were Industrial Hygiene's recommendations followed up by the Department? There is very

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little documentary information in the pre-1970s plant correspondence files which helps to answer these questions. Without this information, these files show corporate knowledge of hazards but no actual implementation of corrective measures. Consequently, the documentation is potentially harmful.

The plant correspondence files generated subsequent to the mid-1970s contain more information concerning follow-up and, consequently, actual implementation of Industrial Hygiene programs. As a result, these files might be of value to the Corporation. The recent request for information from the IUE regarding PCB use at Sharon is an example of how these newer plant correspondence files might be of value to the Corporation. It might be possible to use these files, as well as test record files, to establish that industrial hygiene and employe safety were and are promoted by Westinghouse as routine and indispensable requirements of daily operations; to show that health and safety were, and are, an integrated effort that involves management and hourly employes. Of course, documentary evidence of follow-up and implementation is at times missing from the post-1970s Industrial Hygiene files. Documentary evidence of implementation, though, might be found in local plant files.

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November 1992

Test Records (air sampling data, bio-assay and radiation exposure records, including radiation smear results)

The Westinghouse Domestic Records Retention Guidelines specifically address these records as follows:

- 4.07 - Industrial Exposure Records - Permanent retention in employe's medical record folio maintained in the Human Resources/Medical Department.
- 5.05 - Toxic Substances Adverse Reaction Records - permanent retention in the Human Resources/Medical Departments.
- 5.06 - Occupational radiation exposure records - permanent retention in the Human Resources/Medical Departments.

As can be seen from these guidelines, each plant must maintain a copy of each industrial exposure record permanently. This is similar to several OSHA health standards, i.e., lead, arsenic, hearing conservation and benzene, which require personnel exposure records be maintained for various periods, some in excess of 40 years.

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The bio-assay and radiation exposure records are employee and site specific. The air sampling data is site specific but data generated prior to the early 1970s is not employee specific. Prior to the early 1970s, locations within plants were tested. We recommend that Industrial Hygiene continue to maintain this test and exposure information permanently. The records retention guidelines assign the responsibility of permanently retaining this information to local human resources/medical departments. But until the early 1970s, Industrial Hygiene was the department responsible for maintaining much of this testing data. In addition, experience has shown that often times the information cannot be located at the plant site human resources/medical departments. The closing of plants has historically presented problems in this regard. Consequently, we recommend that Industrial Hygiene continue to maintain the information. Based on our review of some of this data, it appears that at least a substantial portion of it is favorable. This information has in the past been used to respond to Union requests for information (Sharon is an example) and to defend workmen's compensation claims. In fact, it may become even more valuable in this regard (i.e., the defense of claims) if the risk notification legislation becomes law.

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"Historical Files of Industrial Hygiene Department"

These records are not required pursuant to any federal, state or local laws and/or regulations. The Westinghouse Domestic Records Retention Guidelines do not specifically address these records. We recommend that, with the exception of the 1974 noise survey and the testing data which is contained in these files, these files be discarded. Except for the noise survey and testing data, the other information contained in these files is either outdated or available from other sources.

Material Cards, Material Safety Data Sheets, Purchasing Department Specification Cards, Safe Practice Data Sheets and Historical Safe Practice Data Sheet Files

We recommend that except for outdated and unused cards and sheets, as well as Industrial Hygiene "editorializing" which is contained in the historical SPDS files, that this information continue to be maintained in Industrial Hygiene. Hard copy cards and sheets, including outdated ones, can be found in multiple copies at probably every Westinghouse location. Industrial Hygiene historically has written the safe practice data sheets and has had, and continues to have, input in the

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drafting of the safe handling, warning and caution paragraphs which have appeared, and continue to appear, on the material cards, material safety data sheets and the Purchasing Department's spec cards. The material safety data sheets are distributed to customers pursuant to the OSHA hazard communication standard and, as such, must be maintained. The historical information, with the exception of "editorializing-type" documents, an example of which can be found at Tab 6, contained in the historical safe practice data sheet files, provides the basis for input to the Westinghouse materials system concerning caution clauses, SPDS references, Westinghouse label assignments and D.O.T. classifications. It is normally the only source of detailed compositional information on a chemical product being used in the Corporation. The data has been used for spill response, toxicity evaluation and in defense of workmen's compensation cases. It should be pointed out that the complete corporate history of the development of the cards and sheets is contained on hundreds of rolls of microfilm at Corporate Standards. It should be noted that documents containing Industrial Hygiene "editorializing" might also appear in the files maintained at Corporate Standards.

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MINI-RECORDS

Procedure and Guideline Documents, Technical Literature and Reports, Federal, State and Local Statutes, Regulations, Guidelines, Standards

Procedures and guidelines are prepared by Industrial Hygiene to assist Westinghouse plants develop appropriate occupational health programs to minimize employe exposure and corporate liability. Technical literature and reports are used to support Industrial Hygiene's corporate functions. These records are not required pursuant to any federal, state or local laws and/or regulations. The Westinghouse records retention guidelines do not specifically address these records. We recommend that those files which are necessary for the continued operation of the Department be maintained. Those which are no longer used and/or are outdated should be discarded.

Miscellaneous

1. Workmen's Compensation Claim Files. Gates, MacDonald & Company has been instructed to send a copy of all claims involving occupational health to Industrial Hygiene for review and defense assistance. As a result, Industrial Hygiene maintains one file cabinet of case-specific workmen's

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compensation claim files. We recommend that all settled and/or closed files be discarded. Mr. Paul Toothman, Manager, Workmen's Compensation, will be contacted to identify the closed and settled files.

2. Seminar and Education Materials. This information, along with the research and development technical library, is used to produce the training workshops and training courses which are presented regularly for the facility industrial hygiene representatives. We recommend that those materials which are necessary for the continued operation of the Department be maintained. Those which are no longer used and/or are outdated should be discarded.

3. Audit Report Drafts and Work Papers. These documents are generated as a result of Industrial Hygiene plant audits. Traditionally, these have been maintained by individuals without any maintenance guidelines. We recommend that each author discard all drafts and work papers used to prepare the audit reports immediately after an adequate audit response is received from the Westinghouse plant.

4. Microfilm Records Maintained at the Mines. We recommend that the microfilm records maintained at the Mines be destroyed. These records are merely duplicates of the records currently maintained at Industrial Hygiene.

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CONCLUSION

Toxic tort litigation, including toxic tort-related workmen's compensation litigation, show no signs of abating in the near future. In fact, legislation such as the risk notification legislation currently being considered by Congress, will, according to many "experts", result in an increase in such litigation. Consequently, well reasoned and conceived document retention and destruction programs for departments such as Industrial Hygiene, and in fact the entire Corporation, are imperative.

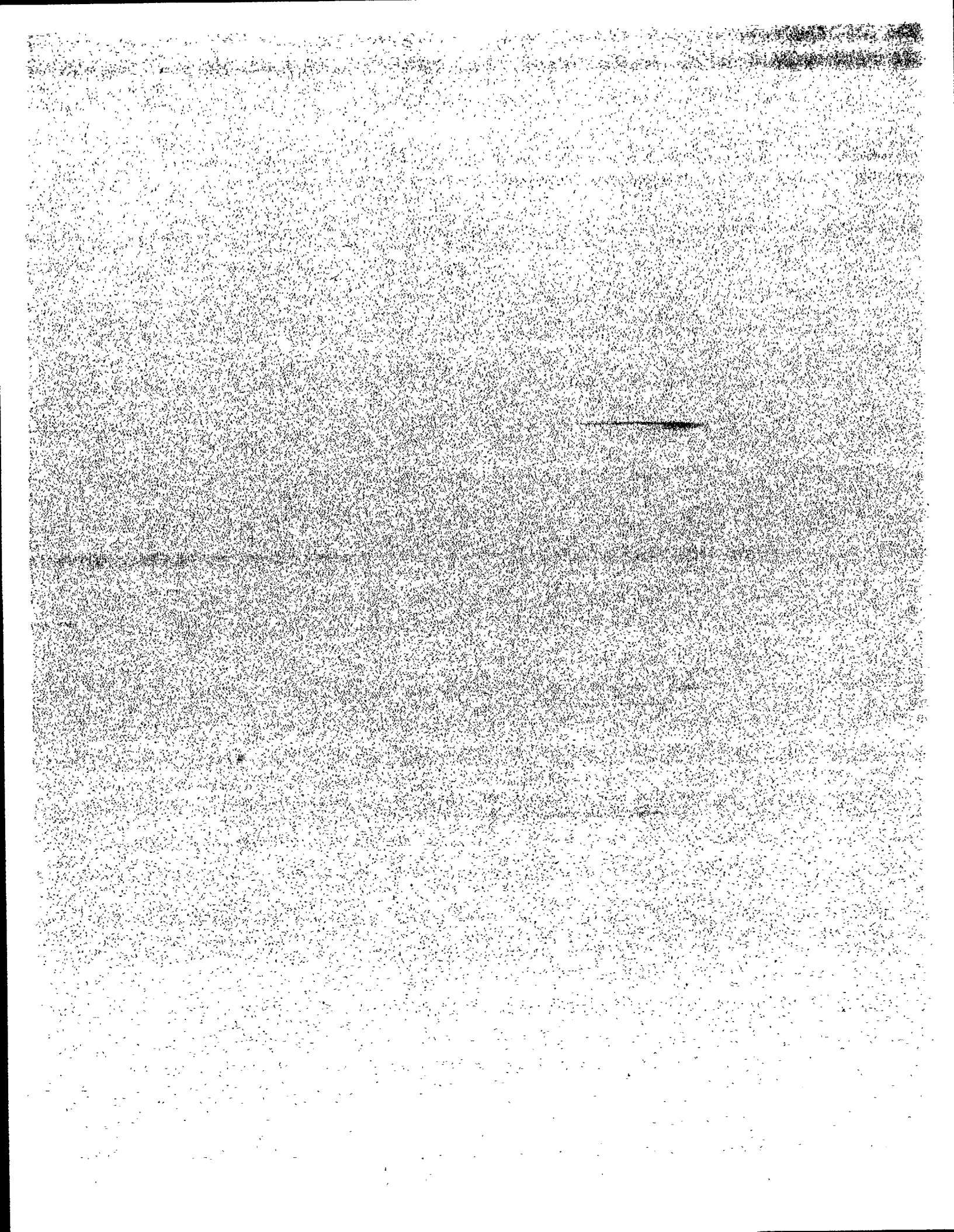
We are available to discuss these recommendations with you at your convenience.

Jeffrey ^{3.} Bair
Attorney

C. W. Bickerstaff, Manager
Corporate Industrial Hygiene
Environmental Affairs

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MWB-0033018



TO: Wayne Bickerstaff (via E-Mail - WST7686)
FROM: Jeffrey J. Bair
Gateway Center - Room 951
DATE: January 22, 1988
SUBJ: ROUGH DRAFT LETTER

PLAINTIFF'S EXHIBIT

WH-1110

The following draft letter is for your review and execution.

Jeffrey J. Bair

R O U G H D R A F T

We have completed a review and inventory of the files which are present in the Industrial Hygiene Department. We conducted this review in conjunction with the corporate-wide effort to update and formalize a corporate-wide records management system. It is our intention to implement a records management system for Industrial Hygiene which permits us to more efficiently and effectively manage our records. The following paragraphs comprise the records management "system" which we have developed. This "system" was formulated with the assistance of Jeffrey J. Bair of the Law Department and is fully consistent and in compliance with the current Westinghouse domestic records retention guidelines and all applicable laws and regulations.

1. The plant correspondence files generated prior to 1974 will be discarded. The remaining plant correspondence files will be maintained. The Department's practice of microfilming these records will continue.
2. All test records, including air sampling data, bio-assay and radiation exposure records, as well as all exposure records, adverse reaction records and all other similar records required to be maintained by any law and/or regulation, will be maintained permanently. Again, the Department's practice of microfilming these records will continue.
3. The records identified as "historical files of Industrial Hygiene Department," with the exception of those required to be maintained pursuant to law and/or regulation, will be discarded.

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4. Material cards, material safety data sheets, Purchasing Department specification cards, safe practice data sheets and historical safe practice data sheet files, except for outdated and unused cards and sheets, will be maintained. All material safety data sheets will be maintained as required by law and/or regulation.
5. Procedure and guideline documents, technical literature and seminar and educational materials which are necessary for the operation of the Department will be maintained. All other such documentation will be discarded.
6. Audit report drafts and work papers will be maintained only until an adequate audit response is received from the audited site.
7. Worker's Compensation files will be maintained only while the cases are pending, except that Worker's Compensation files pertaining to asbestos-related disease should be maintained.

We will begin implementation of these document retention guidelines shortly, and expect the project to be completed prior to the close of the second quarter of this year.

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