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**From:** <Joel.Barnhart@elementis-na.com>  
**To:** <JWittenborn@colliershannon.com>  
**Cc:** <markharris@herm-inc.com>; <Russ\_Morgan@oxy.com>; "Marianne Kaschak"  
<mkaschak@ihfincorp.com>; <JGreen@colliershannon.com>;  
<CParascandola@colliershannon.com>  
**Sent:** Thursday, August 29, 2002 8:26 AM  
**Subject:** Re: OSHA Info request

John,

I will follow your advice. Can someone from your office contact Exponent and request a proposal from them to prepare answers for questions 1 - 14?

Joel

JWittenborn@colliershannon.com on 08/29/2002 07:04:50 AM

**To:** Joel.Barnhart@elementis-na.com  
**cc:**

**Subject:** OSHA Info request

Sorry, I spell checked the message, but not the address.

----- Forwarded by John Wittenborn/CSRS on 08/29/2002 08:01 AM -----

John Wittenborn

**To:**

Joel.Barnhart@elementis-na.com

08/28/2002 05:06

**cc:** Christina B.

Parascandola/CSRS@CSRS

PM

**Subject:** OSHA Info request

I agree that Exponent should draft the responses to questions 1-14, but recommend that their work be contracted for and supervised by Collier Shannon. If we retain Exponent and supervise that project, we can maintain attorney/client privilege over all analysis they generate. Although unlikely, it is possible that OSHA or private litigants could request such information from the Chrome Coalition or its member companies

8/29/2002

in future personal injury lawsuits. Perhaps more important, this info request is designed to build the record for future rulemaking.

Therefore, the response should include legal arguments as well as data and analysis. We need to explain to OSHA the limits on their authority to reduce the PEL (or develop a standard) from a policy and legal standpoint, as well as a health standpoint. I agree that economic and technical feasibility info must come separately, but we need to make sure that our submission reminds OSHA that they must consider both in deciding whether and how to proceed with rulemaking. I think we could do that most efficiently if we were involved at this stage in working with Exponent. I do not believe that this would be a significant undertaking on our part.

Please let me know your thoughts.

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