United States Senate
COMMITTEE ON FINANCE
WASHINGTON, DC 20510–6200

October 6, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable Eugene Scalia
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. N.W.
Washington, D.C. 20210

Dear Secretary Scalia:

According to several whistleblower complaints, until recently, Lockheed Martin (Lockheed) manufactured integral fuel tanks for the C-130J cargo plane in a potentially unsafe and hazardous manner by utilizing an adhesion promoter, PR-148, as an aerosol.[1] As a result, on January 22, 2020, I sent a letter to the Department of Defense Office of the Inspector General (DOD OIG) requesting that they look into the matter. The DOD OIG forwarded these concerns to the Air Force Office of Inspector General (AFIG) who informed my staff that the Occupational Safety and Health Administration (OSHA) had determined the chemical's use as an aerosol was safe. However, OSHA repeatedly told my staff that they never specifically investigated the use of PR-148 as an aerosol at the manufacturing facility. I am deeply troubled by this discrepancy.

More specifically, according to several whistleblowers, Lockheed had been applying a chemical used for sealing the C-130J's integral fuel tank in an aerosol form that did not conform with the chemical manufacturer's approved methods.[2] In contrast to the chemical manufacturer's

[1] Letter from Charles E. Grassley, U.S. Senator, to Glenn A. Fine, Principal Dep. Inspector Gen., Dep't of Defense, Office of the Inspector Gen. (Jan. 22, 2020), https://www.grassley.senate.gov/news/news-releases/grassley-seeks-investigation-lockheed-manufacturing-contract-worker-health; *C-130J Hercules Tactical Transport Aircraft, USA*, AIRFORCE TECH., https://www.airforce-technology.com/projects/hercules/ (last visited Sept. 16, 2020). The facility in question is located in Marietta, Georgia,

[2] TECHNICAL DATA: PR-148 ADHESION PROMOTER, PPG AEROSPACE (2010), http://www.ppgaerospace.com/getmedia/c177f8b9-ef14-48bc-87d7-b0ce3949ad6f/pr_148.pdf?ext=.pdf (instructing to apply the adhesion promoter with a gauze pad or a brush but no instruction concerning an aerosol, such as a spray paint gun); SAFETY DATA SHEET, PPG AEROSPACE (Apr. 20, 2018), http://www.ppgaerospace.com/getmedia/c177f8b9-ef14-48bc-87d7-b0ce3949ad6f/pr_148.pdf?ext=.pdf (outlining the adhesion promoter's hazards and the personal protective equipment necessary when applying the adhesion promoter as instructed by the chemical's manufacturer); s*ee also Manufacturing Process Standard: Sealing C-130 Integral Fuel Tanks*, LOCKHEED MARTIN AERONAUTICS CO., MPS 7730M 30, 16 tbl.V step 3(d) (July 31, 2017) (on file with author) (explaining that as of 2017, Lockheed's manufacturing process showed application methods via cotton cloth, brush, and aerosol).

recommendation, Lockheed employees were instructed to spray PR-148 inside an aircraft hangar where other employees worked without any personal protective equipment (PPE).[3] Additionally, some of the employees who were spraying the chemical were not only inside of the hangar, but inside of an aircraft's wing where air circulation would be almost nonexistent. When spraying this chemical on the plane, large volumes of particles would cause a "large blue cloud" to form inside of the facility. Employees both spraying the plane and in other parts of the facility would be exposed to and potentially inhaling what amounts to industrial strength airplane glue. The application of this chemical, by this method, may have long term consequences for those applying the chemical as well as others involved in the manufacturing process nearby.

Recently, my staff has had several phone calls with OSHA experts regarding the details of the AFIG investigation. During these calls OSHA representatives said that they were unaware of any inspections at the facility in question other than a routine inspection in 2016. Furthermore, they informed my staff that my letter to DOD OIG was the first time they had been made aware of the misuse of PR-148. During one of these calls, an OSHA chemical expert discussed what some of the potential hazardous effects of PR-148 exposure would be. Many of the symptoms the OSHA chemical expert listed, were symptoms that whistleblowers and employees had stated that they are experiencing, symptoms such as: cancer, skeletal malformations, and lung damage.

Afterward, my staff were informed by AFIG that they were in possession of a letter that showed that OSHA had not only completed an inspection specifically related to PR-148's use as an aerosol but the letter also claimed that the chemical did not pose any threat to employee health in the way it was used at the facility. In order to share the letter, AFIG said that the Department of Labor would need to provide permission.

In order to ensure the founding goals of OSHA are met, and that OSHA is properly keeping records of their investigations, please answer the following questions no later than October 20, 2020.

1. Has OSHA inspected the use of PR-148 at any facilities under its jurisdiction? If so, please provide all records relating to those inspections.[4]

2. How many inspections has OSHA completed at the Lockheed manufacturing facility in Marietta Georgia in the last 5 years? How many OSHA representatives were present at each inspection?

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[3] TECHNICAL DATA: PR-148 ADHESION PROMOTER, PPG AEROSPACE (2010), http://www.ppgaerospace.com/getmedia/c177f8b9-ef14-48bc-87d7-b0ce3949ad6f/pr_148.pdf?ext=.pdf. The chemical manufacturer recommends that PR-148 be utilized "only outdoors or in a well-ventilated area." This is presumably for two reasons: 1) the chemical and its vapors are highly flammable; and 2) it can cause serious medical issues if inhaled. Likely for these same reasons, the chemical manufacture's documents state that applying the chemical in a measured and controlled manner such as with a "brush or cleaned gauze pad" is advisable. It is unclear what PPE would have been appropriate in this circumstance, but when Lockheed paints their aircraft it is moved to a separate ventilated facility, removed from other employees, and those painter utilize more significant PPE. One would assume that when spraying large amounts of flammable industrial strength glue a similar precautions would be necessary.

[4] "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

a. Were these programmed or unprogrammed inspections? If unprogrammed, what initiated each inspection?

b. How many OSHA representatives were present at each inspection?

3. Please provide me with a copy of the letter referenced by AFIG that showed that OSHA had not only completed an inspection specifically related to PR-148's use as an aerosol but that the chemical did not pose any threat to employee health in the way it was used at the Lockheed facility.

4. Why was OSHA unaware of the existence of this letter?

5. What data and tests did OSHA use in determining that PR-148 was safe to use as an aerosol?

6. How did OSHA representatives determine what kind of PPE must be used for sufficient protection? Were these tests conducted inside the wing of the aircraft to ensure that the employee that sprayed the chemical used the proper PPE?

7. If OSHA performed inspections for this chemical, what PPE were the OSHA representatives wearing?

8. Did the OSHA representatives recommend that those employees who were applying the chemical wear a particular kind of PPE? If not, why not?

Thank you for your attention to this important matter. Should you have questions, please contact Danny Boatright or Dario Camacho of my Finance staff at 202-224-4515.

Sincerely,

Charles E. Grassley
Chairman
Senate Finance Committee

cc
Loren Sweatt
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