

was repaired in anticipation of an air quality test and the test revealed levels in one worker above OSHA limits. During the time the ventilation system malfunctioned plaintiff repeatedly requested respirators, but the workers in the shoe factory were not fitted for the respirators until after plaintiff transferred to work in the hobby shop. Plaintiff also alleges that when the workers' original protective jumpsuits frayed, they were given inferior replacements that did not keep off the dust. When he became ill from the dust and fumes, plaintiff received what he perceived to be untimely and insufficient care.

I do not accept defendants' arguments that by working in the shoe factory instead of transferring to another prison job sooner, plaintiff volunteered to be exposed to potentially dangerous conditions. Nonetheless, on the record before me, there is insufficient evidence for a jury to conclude that the actions of prison officials rose above the level of simple negligence. See Bagola v. Kindt, 131 F.3d 632, 645(7th Cir. 1997). Although the prison officials could have acted more promptly, the evidence does not support a finding that they were deliberately indifferent to the conditions in the shoe factory or to plaintiff's health.

An order follows.

