

Asbestos**INDUSTRY GROUP SUGGESTS THAT OSHA SLOW PACE, PROPOSE RANGE OF EXPOSURE LIMITS FOR REVIEW**

The Occupational Safety and Health Administration should "adopt a more deliberate pace" regarding its plans to accelerate rulemaking to lower the current asbestos exposure limit, and should propose a range of permissible exposure limits, according to the Asbestos Information Association.

Earlier this month, Assistant Labor Secretary Thorne G. Auchter told representatives of organized labor that the agency intends to issue a notice this summer updating its 1975 proposal to lower the current asbestos exposure limit to one-half fiber per cubic centimeter of air and to publish a final rule by this fall, at which time it also would come out with a proposal addressing development of special provisions for the construction industry and updating the medical and hygiene provisions of the current standard (Current Report, April 14, p. 955).

Just prior to OSHA's announcement, AIA presented to the agency the details of its recommended asbestos standard for the construction industry based on the work practice certification concept. The association urged the agency in its rulemaking proceedings to focus on the construction industry before re-evaluating its general industry standard (Current Report, April 14, p. 955).

In an April 15 follow-up letter to Auchter, AIA Executive Director B.J. Pigg said that the association continues to believe that the agency "should address the construction issue first" because of the "much larger number of workers involved in that sector than in manufacturing" and because the work practice concept has been endorsed by the Advisory Committee on Construction Safety and Health and a special interagency task force.

However, since OSHA's announced schedule "reverses these priorities," Pigg emphasized that the association "does not oppose in principle a reevaluation" of the current exposure limit, but is concerned that OSHA's present timetable "may produce an indefensible result."

Range Of Limits Proposed

AIA suggested that OSHA "should adopt a flexible posture about the [permissible exposure limit] at the initial, proposal phase of the proceedings," allowing the agency and industry to develop the necessary data base, particularly since there "currently is no adequate record on the economic and technological feasibility of any standard below the current two fiber PEL."

"Apart from suggesting the need for a less hurried timetable, the absence of a developed factual record underscores the potential pitfalls of committing too early to a specific PEL proposal, particularly one as low as 0.5 fibers/cc. Instead, OSHA should propose a range of limits, such as 0.5, 1.0, and 2.0 fibers/cc," Pigg stated.

As a final consideration, Pigg noted that AIA's recently completed but as yet unpublished round robin study of the membrane filter method currently used to monitor occupational exposures "raises serious questions about the workability of a workplace standard lower than 10 fibers/cc. and demonstrates that, because of unavoidable variability in the monitoring technique and other factors, the current 2.0 fibers/cc PEL actually results in far lower actual workplace exposures."

These results also indicate, he commented, that "the ability to reliably measure low workplace concentrations of

asbestos may play a major role in setting the PEL and therefore should not be separately addressed as called for in OSHA's current schedule."

Benzene**PUBLIC CITIZEN, UNIONS PETITION OSHA FOR EMERGENCY ACTION TO LOWER STANDARD**

A coalition of eight labor and public health groups petitioned the Occupational Safety and Health Administration April 14 for an emergency temporary standard lowering the permissible limit for workplace exposure to benzene to one part per million, one-tenth of the current level allowed, with a ceiling limit of five ppm for 15 minutes a day.

The coalition, led by Public Citizen Health Research Group, charged in the plea for emergency action that the widely used chemical's properties as a carcinogen, mutagen, and bone marrow toxin pose a "grave danger" to workers. Enough scientific evidence now exists to satisfy requirements laid down by the U.S. Supreme Court in 1980 when it set aside a 1977 one-ppm standard promulgated by OSHA on the grounds that the agency failed to demonstrate that exposure at the higher level presented a "significant risk" to worker health, the groups charged.

Filing the petition with the Nader-affiliated health group were the Oil, Chemical and Atomic Workers, the AFL-CIO Industrial Union Department, the labor federation itself, the Allied Industrial Workers, the International Chemical Workers Union, the United Rubber Workers, and the American Public Health Association.

Immediate scheduling of rulemaking hearings was sought in addition to the emergency reduction in the exposure limit.

Agency Plan Discounted

In a letter to Assistant Labor Secretary Thorne G. Auchter accompanying the petition, Sidney M. Wolfe, director of the health research group, and Barbara Freese, a science researcher there, scored the agency's recent announcement that it plans to issue an advance notice of proposed rulemaking on lowering the benzene standard (Current Report, April 7, p. 940). Arguing that the regular rulemaking process to be started with the notice "typically takes several years to complete," they maintained that the

Ed. Note: An article on p. 940 of the April 7 Current Report on a benzene risk assessment stated that a study by M.G. Ott and three other researchers had found 91 deaths from leukemia among Dow Chemical Company employees over a 33-year period. The article should have stated that 91 deaths from various causes had been found, three of which resulted from leukemia, according to the risk assessment. (The Ott study, published in 1978, remarked that one death was due to leukemia, and the second to acute myelogenous leukemia, and that the third was "categorized as bronchopneumonia bilateral, with myeloblastic leukemia listed under 'other significant conditions.'") The observed number of three leukemia cases was significantly greater than the 0.8 deaths expected, the risk assessment stated.

An article on p. 947 of the April 7 Current Report incorrectly reported a recommendation by the Associated General Contractors. The article stated that AGC had recommended that a "serious violation" be defined as "a second or subsequent serious infraction of the same provision of a standard committed by an employer at the same job site within one year of the final order or final correction date, whichever is later." AGC actually recommended that this definition be applied to a "repeated violation."

**PLAINTIFF'S
EXHIBIT**

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