

Interoffice Memorandum



TO (Name and Location)	DATE
See Below	August 21, 1986
M (Name and Location)	REFERENCE NO.
T. W. Scott - Charlotte	TWS-86-43

E. F. Bazen - Palmetto
R. E. Caldwell - Greenville
N. A. Culbertson - Celriver
K. E. Hart - Palmetto
J. J. Henley - Fayetteville
J. R. Kelley - Greenville
D. A. James - Palmetto

D. V. Perry - Salisbury
D. B. Smith - Salisbury
R. S. Smith - Charlotte
C. M. Spangler - Shelby
R. D. Tankersley - Palmetto
C. W. Whaley - Charlotte
R. V. Williams - Celriver

PLAINTIFF'S EXHIBIT

CEL-1133

SUBJECT: Stay of Parts of OSHA's New Asbestos Standard

Please find the attached memorandum from ORC announcing OSHA'S stay of those sections of the new standard pending review by OMB. As noted in the ORC memorandum, OSHA expects no trouble with OMB clearing these sections, and thinks they will be received sometime in September 1986.

Tom Scott

/jt

cc: B. T. Bowyer

DO IT RIGHT THE FIRST TIME



Organization Resources
Counselors, Inc.

Memorandum

August 14, 1986

To: ORC Occupational Safety and Health Group
ORC Asbestos Task Force

From: Darrell R. Mattheis
W. William Ament

Subject: Announcement of Asbestos Task Force Meeting August 27,
1986 and the Stay of Portions of the New OSHA Asbestos
Standard

STAY OF PARTS OF OSHA'S NEW ASBESTOS STANDARD

ORC recently received word that OSHA had announced the "Stay of Portions of the New Asbestos Standards Pending Review by OMB". This memorandum was transmitted by the OSHA National Office to all OSHA Regional Administrators during the week of August 11, 1986.

The memorandum lists those sections of the OSHA Asbestos standard containing information collection requirements, and which are stayed until they are reviewed by OMB. OSHA expects no trouble with these clearances, and thinks that they will be received sometime in September 1986.

The Office of Management and Budget (OMB) indicated that there were no particular problems with these sections of the asbestos standard, only that OSHA delayed in applying for their review. A copy of OSHA's memorandum is included for your interest.

ANNOUNCEMENT OF ASBESTOS TASK FORCE MEETING

Because of the many questions ORC members have had concerning the interpretation of OSHA's new Asbestos Standard, ORC has scheduled a meeting of the Asbestos Task Force for August 27, 1986 at its Washington, D.C. Office beginning at 9:00 a.m. and lasting to approximately 3:00 p.m. All ORC members are welcome!

OSHA will have representatives from its Office of Field Coordination present to answer questions, and will use these questions to assist in the preparation of their field directive for the enforcement of the Asbestos Standard. If you are planning to attend, please send in the attached attendance sheet.

Danell H. Mattheis

W. William Ames

Please return to:

Joyce K. Jenkins
Organization Resources Counselors, Inc.
National Place, North Lobby - Suite 911
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

() I will attend the Asbestos Task Force Meeting August 27,
1986 at the ORC Washington Office, National Place, North
Lobby, Suite 911, 1331 Pennsylvania Avenue, N.W., Washington,
D.C. 20004.

Time: 9:00 A.M. and Lasting to Approximately 3:00 P.M.

For ORC Records

Name _____

Title _____

Company _____

Address _____

Telephone _____

8/86

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM: JOHN B. MILES, JR., DIRECTOR
DIRECTORATE OF FIELD OPERATIONS

SUBJECT: Stay of Portions of the New Asbestos Standards
Pending Review by OMB

The following provisions of the new asbestos standards which contain information collection requirements are stayed pending review by the Office of Management and Budget:

29 CFR 1910.1001, as amended June 20, 1986;

- (d)(2) initial monitoring
- (d)(3) monitoring frequency (periodic monitoring) and patterns
- (d)(5) additional monitoring
- (d)(7) employee notification of monitoring results
- (f)(2) compliance program
- (g)(3)(i) respirator program
- (j)(5) employee information and training
- (l) medical surveillance
- (m) recordkeeping

29 CFR 1926.58;

- (f)(2) initial monitoring
- (f)(3) periodic monitoring within the regulated areas
- (g)(6) employee notification of monitoring results
- (h)(3)(i) respirator program
- (k)(3) employee information and training
- (k)(4) access to training materials
- (m) medical surveillance
- (n) recordkeeping

It is anticipated that OMB will complete their review of the standards shortly. In the interim the parallel requirements of the asbestos standard issued in June 1972, as amended, and published in 29 CFR 1910.1001 will remain in effect. Please notify State Plan Designees and other program personnel of this issue.

Interoffice Memorandum



TO (Name and Location)	DATE
See Below	August 11, 1986
FROM (Name and Location)	REFERENCE NO.
Bruce T. Bowyer	BTB-86-79

E. F. Bazen - Palmetto
R. E. Caldwell - Greenville
N. A. Culbertson - Celriver
K. E. Hart - Celco
J. J. Henley - Fayetteville
D. A. James - Palmetto
J. R. Kelley - Greenville

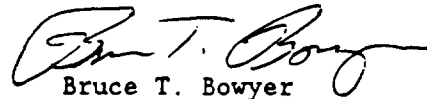
D. V. Perry - Salisbury
D. B. Smith - Salisbury
R. S. Smith - Charlotte
C. M. Spangler - Shelby
R. D. Tankersley - Celco
C. W. Whaley - Charlotte
R. V. Williams - Celriver

SUBJECT: Asbestos Standards

A stay of the requirements in the asbestos standard pertaining to non-asbestiform tremolite, actinolite, and anthophyllite has been granted by the Occupational Safety and Health Administration, pending a reconsideration of whether the revised asbestos rules for general industry and construction should cover these substances.

Attached for your information is the notice published in the BNA Occupational Safety and Health Reporter.

If you will review the memo I issued on the final rule for occupational exposure to asbestos, reference BTB-66-86, and delete any reference to these three substances, the summary will apply as written.


Bruce T. Bowyer

Attachment

/jtc

cc: G. A. Abbott
G. D. Alkire
M. B. Caldwell
E. A. Collins
J. R. Dunkley - Salisbury
W. L. Hamman
P. S. Holdorf
V. G. Kight - Celco
S. M. Lanier
J. A. Lerme
J. C. Pullen
G. M. Rowen - NYO
T. W. Scott
K. J. Soden
L. M. Wiseman

10320

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Asbestos

OSHA GRANTS STAY OF REVISED STANDARDS WITH REGARD TO NON-ASBESTIFORM MINERALS

Enforcement of portions of the Occupational Safety and Health Administration's revised asbestos standards pertaining to non-asbestiform tremolite, actinolite, and anthophyllite will be stayed for nine months — until April 21, 1987 — while the agency reopens the record on those provisions and institutes supplemental rulemaking, Assistant Secretary of Labor John A. Pendergrass said July 18.

Pendergrass made the statement in a letter to a Norwalk, Conn., supplier of industrial talc that had filed a court suit challenging the revised asbestos standards for general industry and construction.

The limited issue to be considered during that supplemental rulemaking is whether non-asbestiform tremolite, actinolite, and anthophyllite should continue to be regulated by the same standards and to the same extent as asbestos. The talc supplier challenged OSHA's inclusion of the three minerals in the revised workplace asbestos standard on the ground that the substances are "non-asbestos" (Current Report, July 10, p. 134).

OSHA noted that during the pendency of the stay the provisions of the 1972 standard governing occupational exposure to asbestos will remain in effect with respect to regulation of non-asbestiform varieties of the three minerals.

Although OSHA claimed that it provided adequate notice to the public that it would be considering the inclusion of non-asbestiform tremolite, anthophyllite, and actinolite in its revised asbestos standard, the agency acknowledged the receipt of additional comments, assertions, and information, which the rulemaking record does not reflect.

Record to Be Reopened

In order to fully consider these additional comments, and to invite further comment and evidence on "all issues relevant to the regulation of non-asbestiform tremolite, anthophyllite, and actinolite," OSHA shortly will publish a notice in the *Federal Register* reopening the rulemaking record on those issues, the letter concluded.

As a result of the agency's letter, R.T. Vanderbilt and the Labor Department filed a joint motion with the U.S. Court of Appeals for the District of Columbia Circuit to hold the proceedings in *R.T. Vanderbilt v. OSHA* (No. 86-1415) in abeyance pending agency reconsideration of inclusion of those three minerals in its asbestos standard.

R.T. Vanderbilt's suit, filed in the Second Circuit, was transferred on July 11 to the District of Columbia Circuit in accordance with an order issued by the D.C. Circuit (See related article in this issue.).