

D R A F T L E T T E R

(date)

The Honorable
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. :

This letter concerns a matter of some importance since it relates to a prospective action by the U.S. Occupational Safety and Health Administration (OSHA) which affects directly our company. We feel that a recently announced initiative by OSHA, as described below, is ill conceived and is being taken solely for self-serving and political reasons.

Specifically, OSHA has made it known in a letter dated April 11, 1983 to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), which has been made public, that the Agency's plans for further regulation on occupational exposure to asbestos have been accelerated significantly. The generalized reason given by OSHA Head Thorne Auchter is "because of the very serious nature of the hazards presented by exposure to asbestos."

Rather than publishing a proposed rule in June 1984 and a final rule in September 1985, as previously stated, OSHA now plans to schedule a hearing in August 1983 based on a proposal which was issued by the Agency on October 9, 1975. It appears questionable at best for OSHA to commence rulemaking action on a proposal that is almost eight years old as well as is the public record which was filed in response to that proposal. Basically, my company feels that OSHA's sudden disregard

of a previously announced orderly approach and its rush into a hearing four months hence without giving due consideration to the current status of all aspects of the asbestos issue (medical, technological, economic, risk, etc.) is patently irresponsible. I wish to emphasize that resolution of the long outstanding regulatory initiative on asbestos by OSHA should be accomplished, but not in such an arbitrary and illogical manner.

You should know that, coincidently to learning of OSHA's intended action described above, the Asbestos Information Association/North America (AIA/NA) which represents producers and users of asbestos in North America submitted to OSHA on April 7, 1983 a recommended standard for occupational asbestos exposure in construction. Development of this recommendation was accomplished in coordination with organized labor representatives. Both industry and labor, as well as OSHA, have long recognized that fixed-site regulatory requirements are ineffective and impractical for construction which is typically characterized by small, transient employers, high employee turnover, and outdoor work activities the nature and sites of which are continually changing.

These problems have made the current asbestos standard virtually unenforceable for construction job sites with the consequence that many millions of potentially exposed workers are deprived of the health protection provided to the far smaller number of workers (less than 20,000) who work in asbestos product plants. Because this problem demands immediate attention, AIA/NA has placed top priority on the development of an alternative approach that would provide greater health protection to construction workers while assuring users that asbestos products can be safely installed and used.

AIA/NA recommended to OSHA, and my company strongly supports, that the Agency's first order of business on asbestos should be to publish a proposed standard for the construction industry. Reevaluation of OSHA's general industry standard should proceed in an orderly way to ensure that the current status of the industry (as contrasted to that which existed in 1975) and other relevant information are fully considered.

In regard to the latter comment, both the Province of Ontario and the United Kingdom will be completing studies on asbestos regulatory issues later this year. The reports issued by these two governments will contain comprehensive data on the asbestos-health relationship which were developed following full participation by many international experts. For example, the Ontario Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos is presently compiling its final report based on the testimony of experts from the international scientific community who were subject to cross examination by both industry and labor groups. These reports relate directly to permissible exposure limits for workers exposed to asbestos dust, the matter of primary interest to OSHA.

In view of the above, it would be greatly appreciated if you would contact Mr. Auchter on an urgent basis and prevail upon him to abandon his recently announced plan for resolving the asbestos issue and proceed in such a way that would be of greatest benefit to all concerned (workers, government, society and industry).

Thank you in advance for your efforts on our behalf. I look forward to receiving your reply.

Sincerely,