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March 14, 1969

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Mr. James H. Bierer
President
Pittsburgh Corning Corporation
One Gateway Center
Pittsburgh, Pennsylvania 15222

Dear Mr. Bierer:

Attached is a copy of a Bill on asbestos proposed to the 91st Congress on January 8, 1969. Dr. Robert T. P. deTreville, President, Industrial Hygiene Foundation, was kind enough to bring it to my attention.

The buy now, pay later approach is interesting as set forth in Section 3a.

Sincerely,

Lee B. Grant, M.D.

LBG:lnr
Attachment

cc: R. T. P. deTreville, M.D.
Dr. Z. G. Bell
Mr. J. T. Destafano

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(412) 687-2100

INDUSTRIAL HYGIENE FOUNDATION OF AMERICA, INC.

5231 CENTRE AVENUE

PITTSBURGH, PA. 15232

March 13, 1969

Mr. Hugh M. Jackson
Director, Industrial Relations
Johns-Manville Corporation
22 East 40th Street
New York, New York 10016

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Dear Hugh:

I am enclosing a copy of the 91st Congress, First Session H. R. 2503 Bill, of which you are doubtless aware.

The Chairman of the AIHA Law Committee is interested in knowing why this bill was referred to the Committee on Interstate and Foreign Commerce rather than the one on Education and Labor.

It is interesting that, in the face of efforts to pass a general occupational safety and health act, this bill would treat a single hazard; also, it still gives the Secretary of HEW powers of standard setting and enforcement even though the Secretary of Labor is designated in other legislation.

Cordially,

Robert T. P. deTreville, M.D.
President

deT:ejd
cc: Dr. L. Grant
Dr. J. L. Goodman

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91ST CONGRESS
1ST SESSION

H. R. 2503

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1969

Mr. PATTEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

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A BILL

To promote the safety of workers engaged in making asbestos products for shipment in commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Asbestos
5 Workers' Health Protection Act".

6 DEFINITIONS

7 SEC. 2. As used in this Act—

8 (1) The term "Secretary" means the Secretary of
9 Health, Education, and Welfare.

10 (2) The term "commerce" means commerce (A) be-
11 tween any State and any point outside thereof or (B) be-

1 tween points in the same State, but through any point outside
2 thereof.

3 (3) The term "State" includes the District of Columbia
4 and the Commonwealth of Puerto Rico.

5 (4) The term "asbestos product" means asbestos or any
6 article made in whole or in part of asbestos.

7 (5) The term "person" means an individual, partner-
8 ship, corporation, association, or other form of business
9 enterprise.

10 RULES AND REGULATIONS

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11 SEC. 3. (a) Not later than one year after the date of
12 enactment of this Act, the Secretary shall prescribe and pub-
13 lish in the Federal Register rules and regulations for the
14 protection of the health of persons handling asbestos or
15 asbestos products or engaged in the manufacturing of such
16 products, including (1) rules and regulations for the labeling
17 of asbestos products so as to fully inform handlers and ulti-
18 mate users of such products of the health hazards of such
19 products and any measures which should be taken with
20 respect thereto and (2) standards establishing limits on the
21 number of particles of asbestos which may be in suspension in
22 the air breathed by humans.

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23 (b) In addition to the rules and regulations prescribed
24 pursuant to subsection (a) of this section, the Secretary is
25 authorized to prescribe such rules and regulations, including

1 rules and regulations for the making and maintenance of
2 records, as may be necessary for the administration and
3 enforcement of this Act.

4

INSPECTION

5 SEC. 4. (a) For purposes of enforcing this Act, officers
6 and employees of the Department of Health, Education, and
7 Welfare designated by the Secretary, upon presenting appro-
8 priate credentials and a written notice to the person owning,
9 operating, or in charge of any place where any asbestos or
10 asbestos product is held for introduction into commerce or
11 after such introduction are authorized (1) to enter such
12 place at reasonable times, and to inspect such place and
13 carry out such tests as may be necessary to determine con-
14 formity with standards prescribed pursuant to section 3 of
15 this Act. Such inspection and testing shall in all cases be
16 carried out at reasonable times, within reasonable limits,
17 and in a reasonable manner.

18 (b) Upon completion of any inspection carried out pur-
19 suant to subsection (a), the officer or employee making it,
20 before leaving the premises shall give to the person to whom
21 notice was presented pursuant to such subsection a report in
22 writing setting forth any conditions or practices which are in
23 violation of standards, rules, or regulations prescribed pur-
24 suant to this Act. A copy of such report shall be sent
25 promptly to the Secretary.

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PROHIBITED ACTS

SEC. 5. No person engaged in the business of refining or selling asbestos, or of manufacturing or selling asbestos products, for introduction into commerce shall violate any rule or regulation prescribed by the Secretary pursuant to section 3 of this Act.

ENFORCEMENT

SEC. 6. (a) If the Secretary, after reasonable notice and opportunity for a hearing, determines that any person is violating section 5 of this Act, he shall issue an order requiring such person to cease and desist from continuing such violation within such time as may be specified in such order, but in no event less than thirty days from receipt of notice of such order by such person.

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(b) Any person required by an order of the Secretary to cease and desist from violation of any such standards, rules, or regulations may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals either for the circuit in which such person resides or has his principal place of business or for any circuit in which the violation is found to have occurred, or in the United States Court of Appeals for the District of Columbia Circuit. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Secretary or to any officer designated by him

1 for that purpose and to the Attorney General, and thereupon
2 the Secretary shall certify and file in the court through the
3 Attorney General the record of the proceedings upon which
4 the order is based, as provided in section 2112 of title 28,
5 United States Code.

6 (c) Upon the filing of such petition, such court shall
7 have jurisdiction of the proceeding (which jurisdiction shall
8 upon the filing of the record be exclusive) and shall have
9 power to affirm the order of the Secretary, or to set it aside
10 in whole or in part, temporarily or permanently, and to
11 enforce such order to the extent that it is affirmed, and to
12 issue such orders pendente lite as in its judgment are neces-
13 sary to prevent injury to the public. The commencement of
14 proceedings under this paragraph shall not, unless specifi-
15 cally ordered by the court, operate as a stay of the Secre-
16 tary's order.

17 (d) No objection to the order of the Secretary shall be
18 considered by the court unless such objection was urged
19 before the Secretary or unless there were reasonable grounds
20 for failure so to do. The findings of the Secretary as to the
21 facts, if supported by substantial evidence on the record con-
22 sidered as a whole, shall be conclusive, but the court, for
23 good cause shown, may remand the case to the Secretary
24 for the taking of additional evidence in such manner and
25 upon such terms and conditions as the court may deem proper,

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1 in which event the Secretary may make new or modified
2 findings and shall file such findings (which, if supported by
3 substantial evidence on the record considered as a whole,
4 shall be conclusive) and his recommendation, if any, for the
5 modification of setting aside of his original order, with the
6 return of such additional evidence.

7 (e) The judgment of the court affirming or setting aside,
8 in whole or in part, any order under this subsection shall be
9 final, subject to review by the Supreme Court of the United
10 States upon certiorari or certification as provided in section
11 1254 of title 28, United States Code.

12 (f) (1) Any person who violates a cease and desist
13 order of the Secretary after it has become final and while
14 such order is in effect, shall forfeit and pay to the United
15 States a civil penalty of \$5,000 for each violation, which
16 shall accrue to the United States and may be recovered
17 in a civil suit in the name of the United States brought in
18 the district where such person has his principal office or in
19 any district in which he does business. Each separate viola-
20 tion of such an order or failure to file such a report shall
21 be a separate offense, except that in the case of a violation
22 through continuing failure to obey a final order of the
23 Secretary each day of continuance of such failure shall be
24 deemed a separate offense. The Secretary may, upon appli-
25 cation therefor, remit or mitigate any forfeiture provided

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1 for in this paragraph, and he shall have authority to de-

2 termine the facts upon all such applications.

3 (2) It shall be the duty of the various United States

4 attorneys, under the direction of the Attorney General of

5 the United States, to prosecute for the recovery of such

6 forfeitures.

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CC 1992

91st CONGRESS
1st Session

H. R. 2503

A BILL

To promote the safety of workers engaged in
making asbestos products for shipment in
commerce, and for other purposes.

By Mr. PATTEN

JANUARY 8, 1960

Referred to the Committee on Interstate and Foreign
Commerce

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