

Asbestos Data Collection Project

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Memorandum

PLAINTIFF'S
EXHIBIT
AL-983

April 4, 1989

To: ORC Occupational Safety and Health Group
ORC Western Occupational Safety and Health Group
ORC Occupational Safety and Health Lawyers Group

From: Rebecca L. Daiss *Becky*

Subject: June 30, 1989 Deadline for Asbestos Data Collection
Project Continuation Decision

Background and Long and Short Terms Goals of the Asbestos Data Collection Project

The Asbestos Data Collection Project was initiated two years ago to assist employers in compiling data which would be accepted by OSHA as "objective data" demonstrating that, for particular small jobs, asbestos levels greater than the 0.1 f/cc action level do not exist. Based on this data, an employer could, within the provisions of the Asbestos Standard, decide not to monitor some small jobs which would otherwise require initial monitoring under the standard. The immediate goal of the Asbestos Data Collection Project, then, is to eliminate costly, unnecessary, and counter-productive monitoring. Although the data collection effort has waned periodically, ORC has been persistent in pursuing the goals of the asbestos data collection project.

ORC's persistence is largely due to the long-term implications of the project's success. ORC has consistently recommended that OSHA allow the use of representative data to avoid situations similar to that presented by the benzene standard where, somewhat incongruously, OSHA used representative data to set the standard but does not allow for its use by employers to demonstrate the absence of exposures above the standard.

In the Asbestos Standard published in October 1987, and again in the September 1988 amendment to the standard establishing an excursion limit (EL), ORC was gratified to find that OSHA had included provisions which allow for the use of objective data "gained from an industry-wide study."

In comments to OSHA on its proposed generic exposure monitoring standard, ORC has strongly advocated that OSHA allow use of objective data to meet exposure monitoring requirements. ORC believes that the use of objective data is essential to ensuring the effectiveness and feasibility of a generic standard. By effectively capitalizing on OSHA's allowance of objective data, a precedent can be set for its use in future standards.

In the Asbestos Standard, OSHA has provided industry with an opportunity to demonstrate the prudence of provisions permitting the use of objective data. ORC would like to take advantage of that opportunity through the Asbestos Data Collection Project.

June 30 Deadline for Data Submission & Final Decision re: Project Continuation

Although ORC strongly supports the Asbestos Data Collection Project, as do many ORC companies, we cannot continue to justify devoting resources to a project that is intended to but has not gone beyond the conceptual stage, regardless of its long-term significance. Therefore, ORC has decided to discontinue the Asbestos Data Collection Project if, by June 30, 1989, we have not collected sufficient data to generate an initial report. According to Adrienne Whyte, the consultant ORC has contracted with to compile, manage, and interpret the data, a minimum of 600 data sheets is necessary to produce a substantive report. To date, approximately 300 sheets have been submitted. If sufficient data are received by June 30, the first report assessing the data should be available in October 1989 according to Ms. Whyte.

Promulgation of Asbestos Excursion Limit (EL)

OSHA's recently promulgated Excursion Limit amendment to the Asbestos Standard helped to resolve the issue concerning appropriate sampling time, not only from the standpoint of statistical significance, but of what is acceptable to OSHA. The amendment provides for the use of the OSHA Recommended Method (ORM) of sampling for the presence of asbestos fibers. The ORM provides for a minimum 30-minute sampling period. Adherence to the OSHA ORM sampling method in future collection of data for the ORC project will reduce the amount of unusable data submitted.

The EL amendment provides further impetus to collect data for the ORC project as the data can potentially be used by individual companies to meet the monitoring requirements established in the EL amendment. Also, specific reference to "objective data" again in the EL amendment reaffirms the value of the proposed data base.

We anticipate receiving enough data by the June 30 deadline to warrant continuation of the project. We will keep you informed of the status of the Asbestos Data Collection Project. If your company is a potential participant in the ORC Asbestos project, please call me or Darrell Mattheis. If your company is participating, please make every effort to submit data collection sheets prior to June 30.

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