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OSHA ANNOUNCES SHARP REDUCTION IN PERMISSIBLE WORKER EXPOSURE TO ASBESTOS

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today announced a sharp reduction in the permissible worker exposure limit (PEL) to asbestos which is expected to lower the death risk by 90 percent among those heavily exposed.

"The hazard of asbestos is well-known and documented," Labor Secretary William E. Brock said. "Two new standards are being promulgated by OSHA which will substantially increase protections for over 1.3. million workers and reduce their risk of cancer and other serious disease."

"By lowering the exposure limit of asbestos and addressing the special problems of the construction industry, these standards reflect our firm commitment to reduce the serious health threat of this particularly dangerous substance," Brock commented.

Newly appointed Assistant Secretary of Labor John A. Pendergrass, who heads OSHA, announced the new standards (one for general industry and a separate one for construction). Pendergrass pointed out that the asbestos construction standard represents the first time OSHA has issued a health standard strictly for the construction industry.

"OSHA constantly seeks new approaches to worker protection and the asbestos construction standard is a positive result of this process," he said. Both standards lower the permissible worker exposure limit to asbestos from the current 2 fibers per cubic centimeter (2 f/cc averaged over an eight hour day) to 0.2 f/cc.

OSHA estimates that the standards will reduce the excess risk of dying from cancer over a working lifetime from 64 per 1,000 workers at the current 2 f/cc limit to 6.7 per 1,000. The excess risk of developing disabling and sometimes fatal asbestosis is expected to decrease from 50 per 1,000 to 5 per 1,000 workers.

Along with the permissible exposure limit, various monitoring, training and other requirements will now be triggered at lower levels under the new standards (action level of 0.1 f/cc).

The standards also require, for the first time, worker education and training programs to alert employees to the dangers of asbestos and provide information on safe work practices.

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Workers exposed to asbestos are found primarily in the manufacturing, service and construction industries with a total of about 1.3 million workers in these industries who have some exposure above the 0.1 f/cc action level.

The heaviest exposures occur in general building renovation in the construction industry where about 133,700 workers are exposed. As a result, the construction standard has extensive provisions requiring physical barriers to isolate asbestos work and a "competent person" to ensure proper compliance. The standard for construction requires that a "competent person" (i.e. someone capable of identifying existing asbestos hazards with authority to eliminate them) be designated during asbestos removal, demolition, and renovation operations.

About 527,000 workers are in automotive brake and clutch repair establishments, but their average eight-hour exposure ranges from the non-detectable level to 0.94 f/cc.

OSHA estimates that the total annual compliance costs for all the industries affected by the two standards will be about \$460 million annually, roughly \$108 million for general industry and \$352 million for construction. The agency concludes that with two exceptions (i.e. secondary asbestos gasket manufacturing and renovation activities in construction) the revised standards will not have significant economic impact on the industries' viability nor will they have an adverse impact on small firms.

The old standard applies to all industries, both general and construction, but a separate standard is now being promulgated for construction because of the unique characteristics of that industry such as the temporary nature of worksites, the effect of weather variations, and the highly mobile nature of the workforce.

Thus the new standard for general industry applies to all occupational exposures to asbestos except in construction, while the construction standard in addition to general building renovation, covers new construction, asbestos abatement, demolition, and contracted maintenance.

Both standards also require that engineering and work practice controls be used to reach the PEL but the general industry allows the use of respirators in some sanding and grinding operations after a 0.5 f/cc limit is achieved, providing that feasible engineering controls are not sufficient to reduce employee exposure to or below the 0.2 f/cc limit.

Also, medical surveillance is required in general industry if exposure is above the action level. In construction medical surveillance is required if exposure is above the action level for 30 or more days or if negative pressure respirators are worn.

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Other provisions, which are similar in both standards, require:

- Employers to provide respirators to workers exposed above the PEL, to some maintenance workers, and in emergencies.
- Protective clothing including provisions for replacement, storage, disposal and laundering.
- Change rooms, showers and lunchrooms when exposures exceed the PEL.
- Signs, labels and employee training.
- Specified clean-up and waste disposal methods under housekeeping provisions.
- Retention of medical and exposure records for a minimum of 30 years.
- Permission for employees or their representatives to observe the monitoring procedures.

Both standards also have the same mandatory appendices detailing OSHA's method for analyzing air samples, qualitative and quantitative fit testing for respirators, medical questionnaires, and the interpretation and classification of chest X-rays.

A non-mandatory appendix to the general industry standard provides detailed work practice and engineering control guides for brake repair work to assist auto servicing employers.

In the construction standard, a non-mandatory appendix provides guidelines on work practice and engineering controls for major asbestos removal, renovation work, and demolition. Another appendix includes guidelines for work practice and engineering controls for small-scale, short duration, asbestos removal, renovation, and demolition operations.

Identical appendices in both standards cover detailed procedures for asbestos sampling and analysis, substance technical information, and medical surveillance guidelines.

The 25 states and territories with their own OSHA-approved job safety and health plans must revise their existing standards within six months of publication or show OSHA that they already have a state standard covering asbestos workers which is "at least as effective" as the federal standards.

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These territories and states are: Alaska, Ariz., Calif., Conn. (covers state and local government employees only), Hawaii, Ind., Iowa, Ky., Md., Mich., Minn., Nev., N.M., N.C., N.Y. (covers state and local government employees only), Ore., Puerto Rico, S.C., Tenn., Utah, Vt., Va., Virgin Islands, Wash., and Wyo.

The two new standards for worker exposure to asbestos are expected to be published in the Federal Register shortly.

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(Note to editors : a chronology of the OSHA asbestos standard is attached)

REGULATORY HISTORY OF ASBESTOS
(Chronology)

- May 29, 1971 -- OSHA adopts a permissible exposure level (PEL) of 12 fibers per cubic centimeter averaged over an eight-hour day (12 f/cc). The PEL for asbestos was among the consensus standards then adopted in accordance with the OSH Act.
- Dec. 7, 1971 -- OSHA issues an emergency temporary standard with a PEL of 5 f/cc and a peak exposure of 10 f/cc in response to a petition from the AFL-CIO.
- June 7, 1972 -- OSHA promulgates a new final standard with a PEL of 5 f/cc and a ceiling limit of 10 f/cc. This was the agency's first comprehensive health standard.
- Oct. 9, 1975 -- OSHA publishes proposal to revise the standard for general industry, lowering the PEL to 0.5 f/cc with a ceiling limit of 5 f/cc for 15 minutes. The PEL was proposed as the lowest technologically and economically feasible level then achievable. The Supreme Court decision on benzene caused the agency to withdraw the proposal.
- July 1, 1976 -- The PEL was reduced to 2 f/cc as called for in the 1972 standard.
- May 24, 1983 -- The Advisory Committee for Construction Safety and Health endorsed OSHA's position that any new PEL adopted for general industry should also apply to the construction industry.
- Nov. 4, 1983 -- OSHA publishes an Emergency Temporary Standard lowering the PEL to 0.2 f/cc. The ETS, however, was held invalid by the U.S. Court of Appeals for the Fifth Circuit.
- Apr. 10, 1984 -- OSHA publishes a proposed rule covering occupational exposure to asbestos in all industries governed by the OSH Act (maritime, construction and general industry).
- Sep. 28, 1985 -- OSHA announces plans at a meeting of the Advisory Committee for Construction Safety and Health that it would be issuing a separate standard to cover asbestos exposure in the construction industry.

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ASBESTOS FACTS

THE SUBSTANCE

Asbestos is a widely used, mineral-based material that is resistant to heat and corrosive chemicals. The separate fiber composition of asbestos gives it strength and flexibility. Asbestos is used in the manufacture of friction products, textiles, insulation and other building materials.

Construction businesses use about 70 percent of the world's supply of asbestos. Other exposures occur when workers remove asbestos during renovation and demolition.

HEALTH EFFECTS

Diseases resulting from exposure to asbestos fibers can reach the incurable stage before they are detected and can cause either death or severe disability. Principal diseases include asbestosis, lung cancer, mesothelioma, and cancers of the esophagus, stomach, colon, and rectum.

THE APPROACH

The general industry asbestos standard applies to all occupational exposures to asbestos except construction. OSHA has developed a separate standard for construction work because of the unique nature of construction worksites, changing environmental conditions, and employee turnover. The present asbestos standard does apply to construction work but does not adequately address the characteristics of the construction industry. The new rule provides several optional appendices that explain the standard for certain work operations including one for service station operators who may have asbestos exposures due to brake repair work.

THE GENERAL INDUSTRY STANDARD

Permissible Exposure Limit (PEL): No employee may be exposed to an airborne concentration of asbestos in excess of 0.2 fibers per cubic centimeter of air as an eight-hour time weighted average (0.2 f/cc). The proposed OSHA standard was for 0.5 or 0.2 f/cc. The present standard is 2.0 f/cc.

Exposure Monitoring: Employers must do initial monitoring of employees who are, or may be expected to be exposed to asbestos above the action level (one half the PEL, or 0.1 f/cc). No initial monitoring is required if the employer has determined, based upon objective data, that there are no exposures at or above the action level. Subsequent monitoring will be done with a pattern and frequency that matches

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employee exposure - in no case longer than six months for employees whose exposures can be foreseen to be above the action level. Presently, monitoring is required no more than six months apart for employees exposed above the PEL. The new standard, for the first time, sets required methods of monitoring which will improve the accuracy.

Regulated Area: The new rule establishes the requirement for a "regulated area" which only authorized persons can enter. Regulated areas are to be set up where exposures are above the PEL. Persons entering regulated areas must wear respirators. In such areas, eating, smoking, drinking, chewing tobacco or gum, and applying cosmetics are prohibited. The proposal would have established regulated areas where exposures are above an action level or the PEL. The present standard does not require a regulated area.

Methods of Compliance: Engineering controls and work practices must be used to maintain employee exposures at or below the PEL, except to the extent such controls are not feasible. With limited exceptions, engineering controls must be used to the extent feasible to reduce exposures to or below the PEL; where such controls do not lower levels sufficiently, respirators will be used to achieve compliance. The proposal would have permitted any feasible combination of engineering controls, work practices and respiratory protection. The present standard permits rotating employees in and out of asbestos exposed areas as a means of compliance; the new rule prohibits this practice.

Respiratory Protection: Under the new standard, where respirators are necessary, the level of exposure determines which type of respirator is required. Although similar to the present standard, the new rule provides increased respiratory protection.

Communication of Hazards to Employees: The present standard contains no specific training requirements for employees; it does, however, require warning signs in areas where asbestos concentrations exceed the PEL and it requires warning labels on products containing asbestos. The new rule requires a detailed annual training program wherever ambient levels exceed the action level. Also, Material Safety Data Sheets (MSDS) are to be used in the program as prescribed in OSHA's Hazard Communication Standard. In the new rule, warning signs are required in regulated areas and warning labels are also required.

Medical Surveillance: Under the present rule, a preplacement physical is required within 30 days after employment for exposed employees; the exam is to include, as a minimum, a chest X-ray, comprehensive medical history, and a pulmonary function test. The same exam is to be provided annually thereafter and upon termination of employment. Requirements under the new rule are essentially the same except that chest X-rays would be required less frequently for younger workers and annually only for older workers whose first exposures were 10 or more years ago.

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THE CONSTRUCTION STANDARD

Permissible Exposure Limit: The permissible exposure limit and the action level are the same as for general industry.

Communication among Employers: The construction standard requires that wherever one employer introduces asbestos hazards into the worksite, other employers at that same worksite must be informed so they may begin protective measures for their employees.

Monitoring: Monitoring of asbestos levels is to be done daily when levels are above the PEL, except it may be dispensed with when employees in the regulated area are equipped with supplied-air respirators operated in the positive pressure mode.

Regulated Areas: Special provisions are required for removal operations. They include: an enclosure with negative pressure to assure no asbestos can escape to other areas; decontamination area for workers; a "competent person" who is capable of identifying existing asbestos hazards and who has the authority to take prompt corrective measures to eliminate the hazards. The standard does provide exemptions from the regulated area requirements for small scale, short duration operations.

Methods of Compliance: Employers must use one or any combination of several specified engineering or work practice control measures to achieve compliance with the PEL. Where the feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, employers must use them to reduce exposures to the lowest level attainable and them with respiratory protection to achieve compliance. Respirator provisions for construction are similar to those for general industry.

Training: Training requirements in construction are similar to those for general industry except for the recognition that, due to frequent turnover, employees may have been trained elsewhere within the required time frames.

Medical Surveillance: Employees in construction work who are exposed for 30 or more days per year or who are required to wear negative pressure respirators are subject to the medical surveillance requirements. Chest X-rays will be administered at the discretion of the physician.

EFFECTIVE DATES:

Both standards take effect 30 days after publication in the Federal Register. Start-up dates for specific requirements range from 30 days following publication to 25 months. (End)