

February 10, 1984

To: Health and Environmental Affairs Committee

Subject: Occupational Safety and Health Administration (OSHA) proposals on the asbestos standard

Enclosed is a copy of the Asbestos Information Association (AIA) notice concerning OSHA's Advisory Committee on Construction Safety and Health comments on their draft proposal on asbestos. This Committee listed certain issues which OSHA should solicit comments on. The AIA notice covers the issues.

As of now, it appears that OSHA should be issuing its proposal for rulemaking no earlier than March 1, 1984. When the proposal appears in the Federal Register, I would hope to have copies off to the Committee. At that time, Mr. Riopelle, Chairman, may call a meeting of the Committee so that an Institute response can be prepared.

In the meanwhile, the court stay on the Emergency Temporary Standard (ETS) is still in effect. There still have not been any rulings issued as a result of the January 12 hearing.

The foregoing is sent as a matter of information.

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Executive Director

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NEWS & NOTES

January 31, 1984

CONSTRUCTION ADVISORY COMMITTEE REVIEWS DRAFT OSHA PROPOSAL

On Jan. 11, OSHA's Advisory Committee on Construction Safety and Health met in Washington, DC to review a draft proposal on asbestos. Draft is to be basis of final, permanent asbestos standard that OSHA is required by law to have in place within six months of publication of its emergency temporary standard (ETS). ETS appeared in Federal Register of Nov. 4, but is presently stayed by order of 5th Circuit U.S. Court of Appeals. A hearing on merits of ETS action took place before court on Jan. 12, but as of yet, no ruling has been issued.

Draft proposal consists of 84 pages of prefatory discussion and three pages of regulatory text. Regulatory text is identical to wording of ETS. However, prefatory discussion includes list of 19 major issues upon which OSHA will solicit comments in proceedings for promulgation of final standard. These issues, which also formed basis of Advisory Committee discussion, give a good indication of agency's areas of concern, and are as follows:

1. What exposure limits would provide protection of employees against known and suspected workplace hazards of asbestos and what feasibility limitations exist in setting any given limit.
2. Whether the permissible ceiling limit should be reduced and, if so, what the revised limit should be. What feasibility limitations exist.
3. To what extent, if any, should the standard be modified for workplaces which are of a non-fixed nature or otherwise engage a highly transient workforce, e.g., the construction industry.
4. Whether the changes in the definitions of "asbestos" and "asbestos fiber" would clarify the standard's intended scope, and properly relate to known or suspected workplace hazards; whether specifying the mineralogic

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definition of asbestos, such as using the term "tremolite asbestos" rather than the current "tremolite," would better define the health hazard.

5. Whether an action-level below the PEL should trigger certain requirements and, if so, which requirements, and what level(s):
6. Whether OSHA should modify the existing medical surveillance provisions (29 CFR 1910.1001 (j)) to change the frequency of exams, their content, or otherwise.
7. Whether an expanded medical removal program should be provided where, as a result of the medical surveillance program, it is determined that an employee is at an increased risk of material impairment of health from further exposure to asbestos.
8. Whether and under what circumstances and conditions it is feasible to reliably measure asbestos concentrations at levels of 0.1 f/cc, 0.2 f/cc and 0.5 f/cc.
9. Whether the evidence cited by OSHA associating asbestos exposure with the following health effects is complete and whether OSHA's Assessment is scientifically valid:
 - a. Lung Cancer
 - b. Mesothelioma
 - c. Gastrointestinal Cancer
 - d. Asbestosis
 - e. Other Malignant and Nonmalignant Diseases
10. Whether a linear model should be used to extrapolate the risks of certified disabling asbestosis from lifetime exposure levels below 0.5 f/cc: should OSHA quantify risks for other stages of asbestosis and if so, how.
11. Whether OSHA's analysis of the evidence for carcinogenicity and toxicity differentials by asbestos fiber types is appropriate or whether regulatory distinctions should be made for different asbestos fiber types.
12. Whether OSHA should permit any method of compliance to reach the new permissible exposure limits after 2 f/cc has been achieved by use of engineering controls or whether it should require the use of engineering and work practice controls down to the PEL established in the final standard.

13. Whether proposed procedures for initial and subsequent exposure monitoring are adequate to reliably determine employee exposure to asbestos.
14. Whether provisions for regulated areas are reasonably necessary and appropriate for all covered industries.
15. Whether provisions for hygiene facilities are reasonably necessary and appropriate for all covered industries.
16. Whether the standard should have a delayed effective date for any industry sector and, if so, the extent to which a phased schedule for compliance would be appropriate.
17. What are the environmental impacts of the proposal.
18. Whether the provisions of the proposed standard are cost-effective and, if not, how can they be made cost-effective.
19. Whether OSHA should develop appendices, as it has with other health standards, that give appropriate information concerning the health hazards arising from human exposure to asbestos, substance technical information and medical surveillance guidelines.

Before discussing these issues, Advisory Committee agreed on some preliminary points. These included making no distinctions as to different kinds of asbestos fibers in final standard, and passing a resolution that "OSHA need proceed to immediately develop a separate and different Asbestos Standard for the construction industry."

Publication of proposal in Federal Register is expected by mid-February, but may slip some to a later date.