PLAINTIFF'S EXHIBIT

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OSHA UP TO DATE

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Industry Criticizes Lab in OSHA Asbestos Proposal

OSHA is not likely to issue a revised asbestos standard before late 1983, OSHA Health Standard Director R. Leonard Vance announced at a meeting of the Asbestos Information Association. Representatives of the industry were critical of the agency for its lag in revising the current two-fiber-per-cubic-centimeter limit and other provisions.

Vance said the agency has just finished defining what areas the proposal will cover and has not yet chosen options for a decision by OSHA head Thorne Auchter. He also said the agency's management system lays out the steps for rulemaking and dictates the progress of the revision. He pointed out that OSHA is working with other agencies as part of the Asbestos Task Force.

Industry representatives insisted after the announcement that agency action is needed sooner. Saying the industry is "dying on the vine," Joseph C. Jackson, a representative of the Asbestos Concrete Pipe Producers Association, called on OSHA to move ahead with a one-fiber limit, as opposed to the 0.5 limit proposed in 1975 or the 0.1-fiber limit proposed in 1980 by OSHA and NIOSH scientists. Edward W. Warren, the industry association's special counsel, criticized the agency's hesitancy to confront the asbestos issue, and pointed to joint efforts made by the AIA and the AFL-CIO Building and Construction Trades Department to negotiate a model OSHA standard for asbestos exposure in the construction industry. An industry-labor agreement, he said, was an approach "this Administration can swallow as a low political risk."

Warren was referring to a meeting between AIA director B. J. Pigg and James Lapping, safety and health director, Building and Construction Trades Department, AFL-CIO, during which the two discussed developing work practices as an alternative to sampling and laboratory techniques as a means of complying with exposure limits in the construction industry. Lapping said that any proposal acceptable to the Building Trades must include recommendations submitted to OSHA in a May 1980 report, "Report on Occupational and Health Standards for the Construction Industry." In addition to work practices, the report covers such areas as segregation of areas where potential exposure to toxic materials exists; requiring plant owners to notify the construction contractor and OSHA in emergencies of the contractor's use of reportable materials; and reducing the grace period for OSHA notification to reflect continuing changes in some construction processes.

OSHA Not Going Away, Cowan Warns Corporations

Deputy Assistant Labor Secretary Mark D. Cowan warned an industry consultant that OSHA reforms should not be taken as a signal by industry to cut back on worker protection. In a letter to Richard F. Boggs, vice president and occupational safety and health director of Organization Resources Counselors, Inc., Cowan wrote, "Now is

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not the time for corporations to let down their guard, to relax measures which have resulted in gains in the safety and health area or to use safety and health personnel as a handy area in which to cut inflated budgets."

Cowan wrote that now was the time for industry to prove its assertion that it is well equipped to address workplace problems without government interference. Failure to do so, he warned, could add to the perception that profit is the only concern in the boardroom, and "the old OSHA of days past will rise from the grave with a vengeance." Cowan warned that inspections will not cease and that citations will still be issued. While the Reagan Administration changes in OSHA have sent a message to business that the agency intends to help, not harass, "the bottom line ... is that we will be there," Cowan wrote. He indicated that while OSHA is trying to make regulations more sensible, it will continue to seek new regulations and strengthen some of those already in existence.

Steel Unions Seeking Emergency Lockout/Tagout Procedures

The Allied Industrial Workers of America and the United Steel Workers of America are encouraging OSHA to issue a temporary standard covering lockout procedures "as soon as the appropriate standard setting procedure can be arranged." The request was prompted by "numerous accidents and deaths where lack of lockout procedures have either resulted in or contributed to an injury or death," Dominick D'Ambrosio, AIW president, told OSHA head Thorne Auchter. The problem has already led to written procedures by companies, negotiations for controlling the hazards by unions, and, most recently, a new consensus standard covering lockout procedures via the American National Standards Institute, D'Ambrosio added.

Steelworkers safety and health director Adolph E. Schwartz supported the AIW petition in a letter to Secretary of Labor Raymond J. Donovan, in which he wrote that the "tragic consequences and overwhelming evidence for the need for a temporary emergency standard is well established and documented."

OSHA indicated over two years ago that it would develop a proposal to establish lockout and tagout requirements for all machines and systems covered by its general industry standards and revise the existing provisions of 29 CFR Part 1926 that apply to lockout/tagout procedures in construction. Industry officials later recommended in public hearings that the agency develop standards that were performance-oriented rather than specification standards. So far, OSHA has not responded to the union requests.

NIOSH Suggests Guidelines for Protection of Garbage Collectors

A recent report issued by NIOSH suggests guidelines for recognizing and avoiding hazards in the collection of residential garbage. The report, "Residential Waste Collection: Hazard Recognition and Prevention," noted that garbage collectors have a job-related injury rate that is seven times as high as the average for all other industries. Collectors also face high risks of contracting serious long- and short-term illnesses, according to the report. Jagged protrusions, heavy lifting, "hidden" chemical hazards from gasoline and solvents, fecal contamination, vermin, exposure to extreme temperatures, and truck exhaust gases are all hazards associated with garbage collection, the report said. Moving hopper components and materials ejected when containers burst under pressure in the hopper also present hazards to collection workers, the report said. Proper handling of garbage cans and bags, protective equipment, tagging of hazardous loads, and good equipment maintenance were among the recommendations suggested by the study.

Report on Back Injuries Associated with Lifting Released by BLS

The Bureau of Labor Statistics recently released a report showing that about one million American workers suffered back injuries in 1980.

Almost one in five work-related injuries and illnesses were associated with back injuries, according to the report, which focused on injuries sustained by blue-collar workers involved in lifting, placing, carrying, holding, or lowering objects. Over three-fourths of the workers reported that they were lifting when they were injured, and over half said they were lifting objects that weighed at least 60 pounds. Almost half were injured while lifting boxes or containers, while 18 percent were lifting metal objects. Injured workers lost an average of 14 days from work, most often from back strain or sprain.

OSHA Defers Compliance Date for Lead Industry Compliance Plans

OSHA has announced that it is deferring for 60 days the date by which three lead industries must prepare and implement a written compliance program to reduce their employees' exposure to lead. The three industries -- the primary and secondary smelters of lead and battery manufacturers -- originally were to have completed their plans to reduce lead exposures to or below the permissible exposure level by June 29, 1982.

In light of OSHA's ongoing reconsideration of the lead standard, representatives of the three industries asked OSHA to defer the requirement to prepare written compliance programs. Since the plans would require costly engineering plans and studies as well as detailed compliance schedules, OSHA proposed on June 18 to stay the requirement pending consideration of the lead standard and deferred the effective date to August 30 to allow the agency to consider comments on the proposed stay. Due to the number of comments received, OSHA requires additional time to ensure full consideration of the record prior to making a decision whether to issue a stay. Accordingly, the agency has deferred the date by which the compliance plans must be completed until November 15, 1982.

OSHA Urged to Speed Revisions by Office of Management and Budget

The head of the Office of Management and Budget's regulatory review division advised OSHA to accelerate its reviews of standards targeted by the President's Task Force on Regulatory Relief by reducing efforts to issue new standards and shifting its emphasis from safety to health. The suggestions were included in a letter to Labor Solicitor T. Timothy Ryan from Christopher DeMuth, administrator for information and regulatory affairs. DeMuth said the letter represented conclusions of a periodic OMB review of Labor Department regulatory reforms.

OSHA is behind schedule in reviews of the cancer policy, the general policy favoring engineering controls over personal protective devices, occupational noise, commercial diving, cotton dust, and lead, according to the OMB evaluation. The letter noted that while the Labor Department's current timetable calls for a final rule on the cancer policy by next June, the dates for final action on the other policies are uncertain.

DeMuth noted a "slippage" of the dates submitted to OMB last summer, and indicated that OMB was worried about additional delays, causing a "troublesome regulatory lag." DeMuth suggested a reduction in efforts to issue new regulations in favor of expediting existing reviews along with a shift in emphasis from safety regulations to

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