

ST0047157

PLAINTIFF'S EXHIBIT

DOW-1683

## OSHA TALLIES ASBESTOS VIOLATIONS

Employers were cited for almost 1,000 alleged violations of the Occupational Safety and Health Administration's revised asbestos standards in the first year after certain provisions of the standards went into effect.

OSHA inspectors cited 534 alleged violations of the standard for general industry and 427 for the construction industry between July 1, 1986, and June 30, 1987, according to the *Occupational Safety & Health Reporter*. Proposed penalties for the alleged violations totaled \$115,540.

Alleged violations of 29 CFR 1910.1001(f)(1) were the most frequently cited under the general industry standard during the time period. There were 88 alleged violations of that particular section, which requires employers to institute engineering controls to reduce or maintain employee exposure at or below the permissible exposure limit.

Under the construction industry standard, the agency cited alleged violations of 1926.58(f)(2)(i) most frequently. This particular section was cited 48 times, and it requires employers covered by the construction standard to perform initial monitoring at the beginning of each job to determine airborne concentrations of asbestos.

During the first year of the standards, most of the citations were for alleged serious violations. Under the general industry standards, 185 serious violations were alleged. A similar number of alleged serious violations, 199, was cited under the construction standard.

The agency issued only two citations for alleged willful violations and 15 citations for alleged repeat violations of the general industry standard. Alleged other-than-serious violations numbered 332 under that standard, according to the data.

OSHA cited 12 alleged willful violations and five alleged repeat violations of the construction standard. The agency also cited 211 alleged other-than-serious violations of that standard.

Slightly more than 400 alleged violations were cited as the result of an employee complaint.

The revised standards were announced by the agency in June 1986, setting more stringent requirements for general industry and new duties for the construction industry. Both standards set a permissible exposure limit of 0.2 fibers per square meter of air over an eight-hour time period. They also include an action level, above which employers must comply with medical surveillance, exposure monitoring and other provisions of the standard.

As of July 30, 350 of the citations had been contested by employers. ■

OCCUPATIONAL HEALTH & SAFETY