

PRESENTATION BY
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ASBESTOS FIBRE DIVISION SALES MEETING
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OCCUPATIONAL SAFETY AND HEALTH ACT

In our life today, the only constant is change. The rate of change is based not only on scientific discovery or advancing technology, but, very importantly, on legislation.

Who . . . here or elsewhere . . . anticipated the drastic change in the future of asbestos fibre sales that has resulted from legislation in the last three years in local and federal jurisdiction?

The recent Federal Occupational Safety and Health Act (the Williams-Steiger Bill) is having and will have a far-reaching effect on the use of asbestos fibre in the United States.

President Nixon signed this bill into law in December, 1970. In August, 1971, the first set of Safety and Health Standards became effective.

This legislation is without doubt the most comprehensive and stringent of any presently existing in the world concerning Safety and Health measures.

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It includes threshold limit values for many, yes, hundreds of toxic materials. Threshold limit values, in accord with this law, mean the maximum allowable limits of exposure to a substance whereby no employee will suffer an occupational injury, illness, or occupational disease.

The threshold limit value set for asbestos (and there is no differentiation between chrysotile, amosite and crocidolite) is 12 fibres per milliliter greater than 5 microns in length, measured by the membrane filter method at 430X phase contrast magnification or 2 mppcf of air as determined by the impinger method.

While this threshold limit value is now the U. S. federal law, it does not supersede the state laws where the states have a more stringent threshold limit value, such as Massachusetts, at 5 fibres per milliliter. If, however, a state has a less stringent law, as most do, at 5 mppcf instead of the federal 2 mppcf, the federal law supersedes.

The threshold limit value for asbestos is a confused mess at the moment, and that is one of your major sales problems. The average small businessman just doesn't know how to comply.

Several years ago, Dr. Marcus Key, then director of the former U. S. Public Health Service, appointed a committee of medical and scientific people to study the effect of asbestos and health, and arrive at a threshold limit value.

Some of the names of members of this committee that you may recognize are Dr. George Wright, Dr. Irving Selikoff, Dr. Paul Gross, and others. Frankly, this committee has wrangled and argued, but achieved very little.

About two years ago, the majority had concluded that 5 fibres per milliliter of air, 5 microns in length, determined by the membrane filter method with excursions permitted for 15 minutes each hour up to 10 fibres for not more than five excursions daily, would be acceptable.

This, incidentally, is the present American Conference of Governmental Industrial Hygienists revised threshold limit value.

Up to the signing of the OSHA law, the ACGIH has been the authority on threshold limit values. You see, however, that OSHA did not adopt the ACGIH recommended asbestos standard . . . Why?

When the Asbestos Advisory Committee came up with 5 fibres as a standard, Dr. Selikoff rejected it. In fact, I understand he pulled a Russian act and walked out of the meeting. He proposed a 2 or 3 fibre limit for asbestos. He threatened Dr. Marcus Key that he would write a dissenting opinion if the 5 fibre limit were set. He also pointed out the power of "big international labor" that he had backing him up.

Imagine, if you can, one dissenter now influencing the results of the findings of a committee of leading scientists!

The sad part of the entire story is that no one person on the committee has any scientific or medical basis for reducing the threshold limit value.

In the interim, Marcus Key knew that, in accord with the new Federal Act, the U. S. Public Health Service would be dissolved and transferred to a new and powerful agency called the National Institute of Occupational Safety and Health, or NIOSH. Marcus wanted the job of director of NIOSH very badly, as did Selikoff. In the interim, Marcus would not rock the Asbestos-Selikoff boat. It was a neck-to-neck political battle between Key and Selikoff up to the deadline. Key was supported by the politicians, and Selikoff by labor. Key was the winner, when

in Toronto in May, 1971, Representative Steiger announced his appointment as director of NIOSH. Selikoff has not taken this lightly. Key still hasn't rocked the Asbestos boat . . . the OSHA standards made effective in August, 1971, came out as 12 fibres . . . (the former Walsh-Healey standards).

Meanwhile, Selikoff is using every means, including testimony before Congressional committees, before city, state and federal EPA committees, in the IIHRP newsletter, and direct communication with labor leaders and Congressional leaders, to reduce the asbestos threshold limit value to 2 or 3 fibres.

We don't know how to attain a 2 fibre standard in our plants which have, in our opinion, efficient and effective control. Certainly, therefore, your customers can't live with it.

The ridiculous part is that the only basis and criteria Selikoff has is a study of Thermal Insulation Workers that were exposed to silica, welding fumes, booze, cigarettes, and what not. Yet he is attempting to control all uses of asbestos on this basis, and unless some stronger action is taken than has been demonstrated in the past, he may well do it.

We have been fighting the battle on the scientific-medical front, while Selikoff and labor are fighting a tough, hard war on the political front.

Suppose we lose . . . let's look at the provisions of the OSHA law with a 2 or 3 asbestos fibre threshold limit value. Let's think of the effect on use of asbestos in our own plants, as well as our U. S. customers. Under the new law, anyone employing one or more employees must:

Slide #2	-	Duties
Slide #3	-	Penalties
Slide #4	-	{
Slide #5	-	{Standards
Slide #6	-	Variances
Slide #7	-	{
Slide #8	-	{Inspections and Investigations
Slide #9	-	Citations
Slide #10	-	Hearings and Judicial Review
Slide #11	-	NIOSH

As you can see, the Federal Occupational Safety and Health Act is a law with teeth in it. It is not difficult to imagine the hardship and almost impossible task of meeting the provisions of this federal law if the TLV for asbestos fibre is established at 2 or 3 fibres.

What else is happening on the asbestos front?

The Federal Environmental Protection Agency is currently considering regulations to control asbestos in the general atmosphere. Our Asbestos Information Association has been working with the Federal EPA attempting to temper the effect. Many of the regulations deal with the mining and milling of asbestos. While this pertains to the U. S., we are aware that there have been discussions with Canadian governmental officials.

Here are some of the regulations that will affect asbestos processing, product use, waste disposal, specific prohibitions and equipment specifications.

(Pages 6-9 - Federal EPA Regulations)

The Illinois Environmental Protection Agency has proposed regulations to control asbestos in insulation, in construction, alteration and repair of structures, demolition, the manufacturing of asbestos-containing products, and use of asbestos in brake lining of vehicles.

(Pages 4, 5 & 6 - Illinois Regulation)

The cities of New York, Philadelphia, Chicago, Los Angeles, and other smaller locations have taken action to ban the use of asbestos in spray fireproofing. Like the State of Illinois, many of these codes have gone further than just

banning sprayed insulation. Some also include demolition and control of thermal insulation.

We have continually defended our position that while control of effluent is appropriate, a total ban of the use of asbestos is unwarranted.

The Senate Commerce Committee, under 51478, Hazardous Substance Control Act, is currently considering a ban on the import of blue (crocidolite) asbestos fibre into the United States.

It is of interest to note that Dr. Chris Wagner, who was among the first medical scientists to attach an association of blue fibre to the development of a rare cancer called mesothelioma, is now questioning whether there is such association.

There is no medical or scientific study, past or present, that supports the opinion . . . given great play in the public press and legislative halls . . . that the general public is at risk from the minute amounts of asbestos in community air.

The National Institute of Occupational Safety and Health, the NIOSH organization headed by Dr. Marcus Key, is undertaking a study of ten priority toxic substances, including asbestos.

For the past seven years, the former U. S. Public Health Service has been doing an asbestos epidemiological study at the industry's request through the Asbestos Textile Institute. We had excellent cooperation with the old U. S. Public Health Service. The new NIOSH does not need cooperation. They can move into any industry to make the studies they deem necessary. They have initiated surveys at the PPG and Uniroyal asbestos operations. Imagine the position of your smaller customer if put into a circumstance such as this.

Present customers are questioning their liability exposures and control problems involved in the use of asbestos. General Electric is concerned about asbestos insulating paper in motors and toaster boards. Ford, General Motors and Chrysler are questioning the use of asbestos as reinforcement materials, and in brake linings. Recently, we had meetings with Kodak and Proctor & Gamble regarding thermal insulations containing asbestos. Sears, Roebuck has questioned the use of asbestos in products sold by them. Cliff Sheckler has a forthcoming meeting set up with Stone & Webster regarding insulation. I could go on and on.

We answer about twenty-five customer health inquiries a week, many concerned with the use of asbestos.

Dr. Selikoff is busy producing ammunition adverse to the use of asbestos. In April of this year, he designed and conducted a special course on Occupational Health Hazards for Trade Union Representatives. The Unions represented on the Advisory Committee included:

(read some from page 4 of program)

While this course included all types of disease, asbestos was the major subject of discussion. Dr. Selikoff not only influenced many international Union people, but really stirred up a storm with our Manville, Waukegan and Toronto plant Unions. (Brief description of Manville, Waukegan and Toronto problems.)

Selikoff also recently testified before a Congressional Committee regarding the Hazardous Substance Control Act, and went into considerable detail regarding the hazards of asbestos in brake lining, anti-freeze, and paving materials.

Dr. Selikoff's associates at Mount Sinai have been very active on committees studying shipbuilding and shipbreaking. There is presently an effort being made by many shipyards, especially those doing work for the Navy, to find asbestos insulation substitutes.

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In November, the Canadian Broadcasting Company will do a TV show . . . "This Land." It features Dr. Selikoff and Ivan Sabourin. The subject will be "Asbestos." We have been unable to see a preview of the film. The show was initiated by a student team at the University of Edmondton, Alberta. We know it deals in part with the subject of children using asbestos in the schoolroom for arts and crafts work.

Paul Brodeur, author of the 1968 New Yorker article, has another in the October 23rd issue . . . developing vigorously the concept of asbestos hazard to the general public.

Obviously, I have not given you an optimistic picture. I have attempted, however, to present factually the nature of the rapidly changing conditions which will affect the sale and use of asbestos fibre in the United States.

I can assure you that considerable effort . . . by many . . . is being made to meet the many problems and to find answers to the numerous unresolved questions.

Presentations have been made at 15 legislative hearings (local, state and federal) this year, defending our position.

J-M participation on several Federal Committees has counteracted the voices urging the banning of asbestos.

Direct contact with NIOSH, EPA, OSHA and other Federal and State administrators has been a tempering influence.

The AIA/NA has moved into the task of informing the general public.

Asbestos-Health research, worldwide, has been undertaken through the QAMA's Institute of Occupational and Environmental Health, industry associations, U. S. Public Health Service, and directly by J-M. Several new projects are currently being developed to find valid answers to the many open questions.

All of this is aimed at providing the knowledge and the climate so badly needed to provide a rational basis for the safe use of asbestos.