PLAINTIFF'S EXHIBIT

SH-2454

TCC HOST SCHEDULE
JUNE 1988

FIRST QUARTER

GROUP I (PORT ARTHUR - ORANGE - BEAUMONT)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1989	ALLIED CHEMICAL	ORANGE	SHERRILL HARRIS
1991	TEXACO CHEMICAL	PORT NECHES	M. M. SIMER
1993	POLYSAR	PORT NECHES	L. J. MATHEWS
1995	PENNWALT	BEAUMONT	ROBERT CHURCH
1997	QUANTUM CHEMICAL	PORT ARTHUR	ED HARRIS
1999	DUPONT	BEAUMONT	KEN WEIS
2001	GOODYEAR	BEAUMONT	W. A. THOMAS
2003	CHEVRON	ORANGE	FRANCIS LYNE
2005	MOBIL CHEMICAL	BEAUMONT	W. D. MITTERLEHNER
2007	P D GLYCOL	BEAUMONT	WALTER TREYBIG
2009	BETZ LAB	BEAUMONT	ED BIRNSTIEL
2011	FIRESTONE	ORANGE	BOB WHITEHEAD
2013	DUPONT	ORANGE	W. E. THOMAS

SECOND QUARTER

GROUP III (WEST - NORTH - OR EAST TEXAS)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1989	HOECHST CELANESE	DALLAS	B. A. ADAMS
1991	ALCOA	ROCKDALE	GARY GRIESBACH
1993	HOECHST CELANESE	PAMPA	M. F. FRELS
1997	CABOT CORPORATION	PAMPA	DOUG LOCKWOOD
1999	AMERIGAS	DALLAS	BOB DORAZIO
2001	OCCIDENTAL CHEM	DALLAS	JOE WOODS
2003	FINA	BIG SPRING	JIM WOOD
2005	TEXAS EASTMAN	LONGVIEW	THOMAS BURNS

THIRD QUARTER

GROUP V (HOUSTON)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1989	NALCO	HOUSTON	CARY SCHILTZ
1991	TX PETROCHEMICALS	HOUSTON	G. MILLER
1993	CATALYST RESOURCES	PASADENA	EDWIN GEORGE
1995	MOBAY SYNTHETICS	HOUSTON	CHARLIE CRAIG
1997	PHILLIPS	PASADENA	RICK WIEDERSTEIN
1999	MAGNA	HOUSTON	JIM WHITE
2001	CONOCO	HOUSTON	G. IRVIN LIPP
2003	GOODYEAR	HOUSTON	MELVIN LEWIS
2005	TEXAS BRINE	HOUSTON	
2007	STAUFFER	HOUSTON	ROBERT GARCIA
2009	GEORGIA-GULF	PASADENA	RUSSELL ROBINSON
2011	VISTA CHEMICALS	HOUSTON	TOM GRUMBLES

FOURTH QUARTER

GROUP VII (HOUSTON)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1989	KANEKA	PASADENA	MARK REYNOLDS
1991	OCCIDENTAL CHEMICAL	PASADENA	JIM OLIVER
1993	ARCO - BAYPORT	BAYPORT	BUDDY HOWARD
1995	HIMONT	BAYPORT	M. HARRINGTON
1997	PETROLITE	BAYPORT	DAVE MAYARD
1999	ROHM AND HAAS	BAYPORT	SHERILL COKER
2001	HOECHST CELANESE	BAYPORT	JAKE BOURGEOIS
2003	GOODYEAR	BAYPORT	MAURICE BARD
2005	ICI AMERICAS	BAYPORT	DORIS McGRAW
2007	CELANESE	HOUSTON	FRED SIGMON
2009	FMC	PASADENA	GREG MELOA
2011	AKZO CHEMCIALS INC	BAYPORT	KATHY PIERPOLINE
2013	DIXIE CHEMICAL	PASADENA	JOE TOMBRELLA
2015	ETHYL	PASADENA	BOB MACK

FIRST QUARTER

GROUP II (BAYTOWN - HOUSTON)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1988	PENWALT	HOUSTON	J. STRNAD
1990	LYONDELL PETROCHEM	CHANNELVIEW	RAY PATRICK
1992	REICHOLD	HOUSTON	LEE SUNDBERG
1994	MERICHEM	HOUSTON	JACK FLYNN
1996	CHEMICAL EXCHANGE	HOUSTON	WAYNE WRIGHT
1998	STAUFFER	BAYTOWN	ELOY VALDES
2000	CHEVRON CHEMICAL	BAYTOWN	REESE TILLERY
2002	EXXON CHEMICAL	BAYTOWN	RONALD STARCHER
2004	MOBAY	BAYTOWN	DON BARNES

SECOND QUARTER

GROUP IV (TEXAS CITY - FREEPORT)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1988	MARATHON PETROLEUM	TEXAS CITY	DAN BUCHANAN
1990	DOW USA	FREEPORT	JOHN BIGGERS
1992	GAF	TEXAS CITY	BARNEY SMITH
1994	TEXAS CITY REFINING	TEXAS CITY	RICK KEMPF
1996	AMOCO	CHOCO. BAYOU	JAMES BENTLEY
1998	MONSANTO	CHOCO. BAYOU	JOHN WILBECK
2000	STERLING	TEXAS CITY	GEORGE ARUM
2002	UNION CARBIDE	TEXAS CITY	CHARLES PHINNEY
2004	BASF	FREEPORT	BILL GIBSON
2006	AMOCO CHEMICAL	TEXAS CITY	DARREN DOYLE

THIRD QUARTER

GROUP VI (HOUSTON)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1988	TEXAS ALKYLS	DEER PARK	DON LARNED
1990	SOLTEX	DEER PARK	TODD KARASEK
1992	QUANTUM CHEMICAL	DEER PARK	BOB BURG
1994	LUBRIZOL	DEER PARK	TED HEISIG
1996	FINA POLYMERS	LAPORTE	THAD COOPER
1998	DUPONT	LAPORTE	DAVE PERRIN
2000	USI - SYNGAS	DEER PARK	
2002	DOW	LAPORTE	JIM ANDREWS
2004	ROHM AND HAAS	DEER PARK	STAN ANDERSON
2006	OCCIDENTAL	DEER PARK	DAVID MANNING
2008	SHELL OIL - MFG.	DEER PARK	T. E. GILLESPIE
2010	W R GRACE	DEER PARK	PAT WAITS

FOURTH QUARTER

GROUP VIII (CORPUS CHRISTI)

YEAR	HOST GROUP	LOCATION	COORDINATOR
1988	REYNOLDS	CORPUS	STAN MILLSAP
1990	HOECHST CELANESE	BAY CITY	DAVE BRENER
1992	HOECHST CELANESE	CORPUS	PAUL LIECK
1994	CAIN CHEMICAL INC.	CORPUS	DONNIE ARRINGTON
1996	B. P. CHEMICAL	GREEN LAKE	LARRY HENSLEY
1998	AMERICAN CHROME	CORPUS	HENRY REYNA
2000	DUPONT	CORPUS	KARL LADEWIG
2002	HOECHST CELANESE	BISHOP	BILL MEYER
2004	DUPONT	VICTORIA	JAMES BORDEN
2006	ALCOA	PT. COMFORT	JEFF SHOCKEY
2008	UNION CARBIDE	PORT LAVACA	J. D. MOORE

ATTACHMENT I

DPMC-06783

LAM 010381

Attachment III

This shows that participation in the legislative process can prevent bad legislation.

BNA Current Report

Legislation ✓

(2)

RISK NOTIFICATION BILL DIES IN SENATE UNDER WEIGHT OF REPUBLICAN FILIBUSTER

After a week of exhaustive filibustering, Senate Republicans succeeded in blocking a vote on a controversial occupational disease notification bill March 29, forcing its proponents to withdraw the measure from consideration during this congress.

Sen. Howard M. Metzenbaum (D-Ohio), chief sponsor of the "High Risk Occupational Disease Notification and Prevention Act" (S 79), reluctantly withdrew his bill, which was reported out of the Senate Labor and Human Resources Committee eight months ago and passed in similar form in the House by a 225-186 vote late last year (17 OSHR 843).

The demise of S 79, which was backed by organized labor and a range of manufacturers, trade associations, and public health organizations, came after the fourth unsuccessful attempt in seven days to invoke cloture and end debate. Metzenbaum failed to align the three-fifths majority necessary to end the filibuster when 52 senators voted against the cloture motion and 42 voted in favor.

"Sometimes we win 'em. Sometimes we lose 'em. I lost this one," Metzenbaum said after the vote.

Political Implications

Sen. Orrin G. Hatch (R-Utah), who led the filibuster against the bill, greeted the victory with enthusiasm. "I had some harsh things to say about this bill and I think they were all justified," he said after Metzenbaum withdrew S 79. "When the unions are right, they'll have my vote. ... When they're wrong, they'll have an advocate against them. I would prefer that they be right."

Hatch and other Senate Republicans did not relish the political implications of being forced to vote against a bill designed to protect the health of American workers. Thus, they labored energetically to stall the progress of the bill to stave off the prospect of a vote, according to congressional aides.

A coalition of businesses opposed to the bill led by the National Association of Manufacturers succeeded in transmitting its message that S 79 would be expensive for employers and the federal government, and would spark an onslaught of tort and compensation claims from employees against their current or former employers.

"The small business community generated an incredible amount of mail and phone calls. It was a strong pressure effort," an aide on the proponents' side said after the bill was withdrawn. Southern Democrats, he added, failed to swing their weight behind S 79. "They were not persuaded that this bill would be worth more than they saw it costing," he said.

Metzenbaum vowed that "Congress has not seen the last of the risk notification bill" and said the successful drive to thwart the movement of the bill would not end his resolve to see legislation enacted.

An aide said it was too early to talk about what might be introduced in the 101st Congress, or what Democrats would do differently next time.

Provisions Of S 79

The risk notification bill, considered the most significant occupational safety and health legislation in the last decade, would have established a new federal program within the Department of Health and Human Services represented by an expert panel called the Risk Assessment Board. Scientists and public health authorities on the panel would have been responsible for reviewing the best available scientific and medical information to identify populations of current and former workers at risk of disease as a result of exposure to hazardous substances and processes in the workplace.

The federal government, using the board's determinations, would have notified individual workers of their risks of disease, and directed them to medical monitoring and health counseling services. The bill also contained provisions—referred to by opponents as "employee benefits"—to transfer current employees identified as "at risk of disease" from hazardous work duty without loss of earnings or benefits.

The Reagan administration strongly opposed the legislation and issued a series of letters to Senate members outlining specific concerns and threatening a veto recommendation to the president.

Despite confidence going into the floor debate that he had the backing to cut off a Republican filibuster and pass the bill, Metzenbaum found himself on the defensive with Hatch and other Republicans during the filibuster and frequently championed his bill alone, unaccompanied by visible and vocal support from his Democratic colleagues.

As the experience with the House version of the bill (HR 162) demonstrated, understanding fully the complexities of the Metzenbaum legislation required a working knowledge of the Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, OSHA's hazard communication standard, risk assessment, medical monitoring, the outcome of past worker notification projects, tort law, and other related topics, aides said.

"It's a complicated bill. Clearly, people didn't have a comfort level with it," an aide to Metzenbaum said.

Amendments Were Requested

Hatch hammered away at provisions in the bill he said duplicated existing federal programs, or were unclear or unspecified. Frequently, the best answer Metzenbaum could offer Hatch about what the Risk Assessment Board would identify as an "occupational health hazard" was: "I don't know. That's up to the board to determine." Although the answer was accurate, his aides said, the gray areas fed uncertainty among Senate members.

Metzenbaum accused Hatch of stalling any and all constructive consideration of the bill through parliamentary procedures, amendments unrelated to the bill's intent, and questions and comments "designed to confuse the debate." Hatch, in turn, accused Metzenbaum and Sen. Edward M. Kennedy (D-Mass), chairman of the Senate Labor and Human Resources Committee, of using underhanded tactics to adopt a handful of desired amendments by incorporating them into a modified committee substitute for the bill March 23.

DPMC-06784

LAM 010382

Although Hatch and others, particularly Sen. Dan Quayle (R-Ind), charged that S 79 was based on poor science, would prove too expensive for the federal government and employers, duplicated existing federal programs for employee health protection, and would encourage a flood of tort and compensation claims, opponents ignored Metzenbaum's pleas to introduce amendments to make the bill acceptable.

Instead, none of their key concerns about S 79 were addressed in a straightforward amendment by Republican Senators. They complained that amendments incorporated by Kennedy and Metzenbaum in the new committee substitute, although designed to appeal to small businesses concerned about the costs of the legislation, did not go far enough to allay objections.

Votes to invoke cloture and discontinue debate failed March 23 by a vote of 33 in favor, and 59 opposed; again March 24 by 2 to 93 after Metzenbaum himself voted to continue debate and urged his colleagues to follow suit; and again March 28 when 41 Senators voted in favor, and 44 opposed the motion.

Litigation

APPEALS COURT RULES OSHA CAN INSPECT ILLNESS, INJURY RECORDS WITHOUT WARRANT

A regulation allowing the Occupational Safety and Health Administration to examine an employer's illness and injury records without first obtaining a warrant does not violate the constitutional guarantee against unreasonable searches and seizures, the U.S. Court of Appeals for the Fourth Circuit ruled March 23 (*Secretary of Labor v. A.B. Chance Co.*, CA 4, No. 87-3829, 3/23/88).

The ruling reversed a decision by the Occupational Safety and Health Review Commission holding that the Fourth Amendment to the U.S. Constitution required OSHA to obtain a warrant before examining illness and injury records pursuant to 29 CFR 1904.7(a).

The court held that because the records contained information required by OSHA regulations, which would later be posted publicly at the employer's place of business, inspection of the documents did not amount to the kind of intrusion on privacy prohibited by the Fourth Amendment.

The full text of the ruling will be published in a future Decisions issue.

Federal Courts In Disagreement

The Fourth Circuit's ruling on examination of illness and injury records in *Chance* differs from the U.S. Court of Appeals for the Eleventh Circuit's holding in *Secretary of Labor v. Emerson Electric Co., Electronic & Space Div.*, (13 OSHC 1521, No. 87-8363, 12/31/87). In that case, the Eleventh Circuit held that an employer could insist that OSHA obtain a subpoena before turning over illness and injury records (17 OSHR 1291).

While the Fourth Circuit court mentioned the *Emerson* case, it declined to follow the holding, saying that the issue of privacy had not been addressed adequately.

Steven Mandel, the Labor Department attorney who argued the *Chance* case, told BNA March 29 that he was "very gratified" by the decision, and noted that *Emerson* was the only appellate-level case so far to require a subpoena for illness and injury records inspections. Mandel said that another, similar case was still pending before the U.S. Court of Appeals for the Sixth Circuit, and, if that court agreed with the ruling in *Chance*, the Labor Department might consider appealing the *Emerson* decision to the U.S. Supreme Court. Otherwise, Mandel said, OSHA practices would have to be altered in states where the *Emerson* ruling governed the conduct of inspections.

St. Louis attorney Frank Pellegrini, who represented both Emerson Electric and A.B. Chance, told BNA that the differing decisions were "a fact of life," and that while he had no plans to appeal the *Chance* case, he felt that the Fourth Circuit had "made a mistake" by allowing the inspection without a warrant.

No Substitute For Warrant

The dispute arose when a plant owned by A.B. Chance was inspected following a worker safety complaint. The OSHA inspector asked to examine plant illness and injury records, and asked to see machinery that was mentioned in the complaint. Chance allowed the inspector to look at the machinery, but refused to produce the records without a search warrant. The inspector cited Chance for a violation of 29 CFR 1904.7(a), for failure to produce the records upon request.

The secretary of labor later sought to enforce the citation before an administrative law judge. Chance raised the Fourth Amendment ban on unreasonable searches and seizures as a defense. The judge ruled that the inspection of the records was a "reasonable" search because they were not general business records, but instead were required by OSHA regulations. The Occupational Safety and Health Review Commission reversed the judge's decision, holding that the inspection scheme provided in section 1904.7(a) was not a "constitutionally adequate substitute for a warrant." The secretary then appealed the case to the Fourth Circuit.

Expectation of Privacy

The appellate court noted that while there was a legitimate expectation of privacy on business premises that could require issuance of a warrant before a search was conducted, there was a limit to that privacy where an inspection was required by a legitimate government regulation. In order to determine whether such a "regulatory search" would be reasonable under the Fourth Amendment, the court said, it would have to balance the need to search against the invasion of privacy that the search entailed.

The need to search in this case, the court said, was derived from the intent of Congress to ensure healthful and safe working conditions. Keeping records of workplace accidents, illnesses, and injuries was "a reasonable and necessary requirement" to fulfill that intent, the court said.

The court said that the invasion in this case was minimal because the requirement that a summary of the records be publicly posted meant that there could be very little expectation of privacy. The court also noted that the inspector requested only two documents, which was less intrusive than the inspection of the machinery that Chance had allowed. The court ruled that the need for the search, therefore, outweighed the intrusion involved, clearly indicating that the search was reasonable.

Construction

COMMITTEE SIDESTEPS CONFLICT OVER REPORT, APPROVES DISCUSSION PAPER FOR LABOR SECRETARY

A government advisory panel March 30 sidestepped further conflict over a controversial report by one of its working groups which recommended that changes be made in the law to broaden the Occupational Safety and Health Administration's ability to monitor safety at construction sites and direct strong enforcement action against offenders.

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BNA

Current Report

Criminal Prosecution

CHARGES OF CRIMINAL NEGLIGENCE LODGED AGAINST COMPANY IN TRENCH CAVE-IN DEATHS

DENVER—(By a BNA Staff Correspondent)—A Colorado construction company was charged May 25 with four counts of criminally negligent homicide in the deaths of four workers who were killed in July 1985 when the trench in which they were working caved in (*Colorado v. Kelran Constructors Inc.*, Colo DistCt, No. 88-CR-1349).

The charges against Kelran Constructors Inc. of Sedalia, Colo., carry fines of $1,000 to $100,000 per count, according to El Paso County District Attorney Barney Iuppa, who filed the charges in the Colorado District Court for the Fourth Judicial District. The accident occurred near Colorado Springs in El Paso County.

Kelran's attorney told BNA that "the company intends to defend [itself against] the charges vigorously." Attorney Rodney L. Smith said company officials were surprised that criminal charges were brought "in that it's been almost three years after the accident."

"I think we were surprised to the extent that the district attorney waited this long to file charges," Smith remarked, adding that there was "absolutely" no evidence "of criminal activity" by the company.

Delay In Obtaining Report

Iuppa said it "took a while" for his office to obtain a copy of the Occupational Safety and Health Administration's report on the accident, which accounted for the time-lag between the accident and the filing of criminal charges. "Once I read through it, in my opinion I felt criminal conduct was present and that criminal charges would be appropriate," Iuppa said.

The district attorney told BNA he had "some concerns" about the adequacy of OSHA's enforcement efforts, "but that hasn't been my overriding motive [in filing criminal charges]. I'm simply putting people on notice" that they may face criminal sanctions for workplace conduct "that is hazardous or potentially hazardous."

Iuppa said he considered bringing charges against company officers personally, but did not do so because, if he did, he would not be able to call the officials as witnesses in his case against the company.

OSHA, which investigated the cave in, cited the company in July 1985 for five alleged willful violations. Kelran was cited for allegedly failing to properly train workers, for allegedly failing to inspect a trench, for allegedly storing excavated material next to a trench, for allegedly failing to shore a trench and for allegedly failing to take additional precautions for shoring a trench, according to Ray Nellor, safety specialist supervisor in OSHA's Denver area office.

Two of the charges were reduced to serious violations as a result of settlement negotiations between the company and OSHA, Nellor told BNA. The citations for allegedly storing excavated materials next to a trench and for allegedly failing to train workers were reduced to serious violations and the company paid $800 in fines for both charges, Nellor said. The company paid $9,500 for each of the remaining three alleged willful violations.

Hazardous Materials

3

RECENT CHEMICAL PLANT ACCIDENTS SUPPORT EFFORTS TOWARD NEW SAFETY RULES

In the wake of accidents such as the destruction of a Nevada rocket fuel plant May 4 and the explosion of a Shell Oil Co. refinery in Louisiana May 5, attention is again focusing on the adequacy of federal safety requirements at plants where potentially catastrophic chemical accidents can occur.

Unions, a handful of chemical companies, and the Occupational Safety and Health Administration are taking different paths to the same end: to prevent future catastrophic accidents at worksites that manufacture, use, or store hazardous chemicals, according to representatives of those interests.

The United Steelworkers of America expects to petition OSHA in June for an emergency temporary standard for safety requirements at high-hazard plants where chemical accidents could occur; OSHA plans to publish a proposed rule on the storage, handling, and use of hazardous materials by next year; and an industry task force concerned about accident prevention hopes to complete informal voluntary guidelines for hazard management this summer while working with OSHA to hasten a proposed rule, sources told BNA.

The Steelworkers' interest in an OSHA rule was rekindled after the Pacific Engineering and Production Co. in Henderson, Nev., was leveled May 4 in a devastating series of blasts that killed two workers and injured 250 people, including hundreds of community residents. The union, which represents about 75 Pacific employees, believes OSHA safety regulations for plants making, using, or storing potentially hazardous chemicals are inadequate (17 OSHR 1819).

Bhopal As Catalyst

After the deadly release of methyl isocyanate at a Union Carbide plant in Bhopal, India, in 1984, and a release in 1985 of aldicarb oxime at a Union Carbide plant in Institute, W.Va., chemical companies began voicing the concern that some worksites could be disasters waiting to happen, Richard Boggs, vice president of Organization Resources Counselors Inc., told BNA. ORC, which represents many major U.S. employers in safety and health matters, is managing a task group of chemical companies to develop guidelines for hazard management at plants where chemical accidents could occur, Boggs said.

According to the Environmental Protection Agency, there are at least 11,000 chemical plants in the United States and many thousands of workplaces that use and store hazardous chemicals.

In the wake of the Bhopal disaster, OSHA's special emphasis enforcement program for chemical plants underscored a need for specific federal safety regulations for these plants to prevent catastrophic accidents, the agency concluded (17 OSHR 1035).

In April, the Department of Labor's semiannual regulatory agenda reaffirmed OSHA's plans to publish a proposed rule on hazardous materials (29 CFR Part 1910, Subpart H) that would revise Subpart H while also adding new requirements for "process hazards management." A final rule is not slated until 1990 (17 OSHR 1749).

DPMC-06786

LAM 010384

OSHA Subpart H Revision

Hazards management "is intended to better protect employees from unexpected releases of significant quantities of dangerous substances," OSHA stated. Subpart H covers such substances as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids. OSHA plans to revise the requirements to also cover the storage and handling of toxic materials to prevent potentially dangerous chemical releases.

As explained in more detail in the president's annual regulatory program in June 1987, "this particular proposed action is to issue new performance-oriented standards to address the overall management of chemical production and handling systems, including the safe design, installation, and maintenance of toxic material storage. Such systems would include the tanks, vessels, containers, piping, valves, and vents used for the storage, processing, and transfer of toxic materials" (17 OSHR 65).

The new Subpart H would likely be organized to focus on employee training; medical surveillance; engineering controls, work practices and personal protective equipment; monitoring; materials handling work practices; and emergency response, according to OSHA. The performance language will outline how to store, handle, and use hazardous materials, rather than focusing on specific hazardous materials that are regulated by the agency.

ORC Task Force Guidelines

ORC's Boggs told BNA that after the Bhopal tragedy, chemical companies recognized the mounting pressure on Congress, OSHA, and EPA to regulate chemical safety. Under the aegis of ORC, an industry group voluntarily came together two or three times with OSHA compliance representatives beginning in 1985 to discuss the problems. A handful of companies volunteered to give OSHA officials tours of several plant sites to assist in the agency's efforts to address the issue of accident prevention, Boggs and OSHA officials said.

The emphasis from the companies' point of view quickly became the use of hazardous chemicals, not simply the manufacture of chemicals, Boggs added.

As a result, ORC's "process hazards management task force" — meeting about once a week for the last year — has drafted industry guidelines "for use by companies to evaluate how they manage chemicals," Boggs said. The task force plans to distribute a final draft to interested federal, union, worker advocacy, and industry representatives for informal comment this summer, he told BNA.

The group's objectives, as outlined in a summary statement of process hazard management, are to:

- Minimize mechanical, chemical, or human failure that can damage "intended lines of defense";
- Ensure that "multiple lines of defense," in the form of equipment, procedures, training, testing, and preventative maintenance, are in place;
- Ensure that such defenses are tested, inspected, trained, and periodically audited. "This also requires that each unexpected event which could lead to a breach of a line of defense be studied, analyzed and added to the required understanding."

ORC says it hopes the efforts it has managed and the resulting guidelines will be used by OSHA in drafting its Subpart H revision. "The faster they could move, the better we would like it," Boggs said. "We're certainly going to push [OSHA Administrator John A.] Pendergrass and [OSHA Safety Standards Director] Barry [White] to move on it."

Review Commission

WHITE HOUSE WITHDRAWS WALL'S RENOMINATION; EHLKE REPORTEDLY TO REQUEST WITHDRAWAL SOON

President Reagan May 24 formally withdrew John R. Wall's name for renomination to the Occupational Safety and Health Review Commission, while Washington attorney Douglas B.M. Ehlke reportedly will soon ask the White House to also withdraw his name from consideration.

The vacancies that Wall and Ehlke were nominated to fill have existed for more than a year, making it impossible for the commission to rule on cases that come before it for review. Wall's withdrawal and Ehlke's reported decision to follow suit mean that the commission will remain crippled through the remainder of the Reagan administration, observes predict.

In addition, Commission Chairman E. Ross Buckley's six-year term expires in April 1989, creating the possibility that the commission could be devoid of leadership in less than a year.

A Senate aide told BNA May 26 that the Senate Labor and Human Resources Committee received a letter from the White House May 24 informing it of the withdrawal of Wall's name.

With Congress recessing in August, and the presidential elections coming up in November, sources say there is little chance the White House will nominate other candidates for the commission during the remainder of the Reagan administration. A Senate committee aide told BNA May 26 "there is a good possibility" that the commission may be without a quorum until next year.

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Partial waiver of fees by the information specialist is authorized by the commission in Section 2201.9. That section comes into play when the conditions for a full waiver of fees are met but the request for records would impose an "exceptional burden" or require an "exceptional expenditure" of commission resources.

AIDS

INDUSTRIAL HYGIENISTS URGED TO CONDUCT WORKPLACE AIDS EDUCATION, DEVELOP POLICY

SAN FRANCISCO—(By a BNA Special Correspondent)—Employers and industrial hygienists would be well advised to conduct workplace education on acquired immune deficiency syndrome and implement sound AIDS personnel policies in their companies, a May 17 session of the American Industrial Hygiene Conference was told.

Such steps are needed if employers are to prevent employees from refusing to interact with co-workers infected with the AIDS virus or from withholding vital services out of fear of contracting AIDS through casual contact, according to speakers.

Elaine Askari, director of the AIDS Project of the Labor and Occupational Health Program at the University of California, Berkeley, cited a recent Georgia Institute of Technology survey on workplace fears about AIDS, which found that "Sixty-six percent of the respondents said they were concerned about using the same bathroom as a person with AIDS, and 42 percent said they would not work with someone with AIDS."

Need For Repeated Training Seen

Askari said she has conducted AIDS education programs for a broad range of employees, from oil refinery workers to health-care and clerical workers. She has learned, she said, quoting San Francisco AIDS researcher Constance Wofsy, M.D., an associate clinical professor at the University of California at San Francisco, that "It takes five times for a person to really absorb information about AIDS. The first time they're not listening. The second time they don't believe it. The third time they're still skeptical. The fourth time they begin to listen. The fifth time they listen and think, 'Maybe this is something I should be concerned about.' "

She advised hygienists to work not only with management but also with labor unions in developing effective AIDS education programs. "You need their support and their help in reinforcing what you teach," she remarked.

"If we don't educate firefighters about AIDS and how it's transmitted and not transmitted," Kim Mueller, health and safety officer of the California Firefighters Union, told the hygienists, "they will discreetly withhold their services, which is not only unethical, it is illegal." In addition to AIDS education and safety training, every fire department should develop its own explicit AIDS personnel policy to avoid such situations, she said.

Compliance With The Law

J.M. Crutcher, an epidemiologist with the city of Baltimore, said that Baltimore's comprehensive AIDS personnel policy was developed by a "task force made up of representatives from the health, legal, police, fire, and labor departments, as well as from city hall, the mayor's office, the schools, and the occupational health and safety program."

Crutcher and other speakers emphasized that AIDS policies must be based strictly on the medical facts of the disease and in compliance with federal, state and local statutes. One such stipulation of Baltimore's policy is that an employee or applicant's suitability to work "should be based on the individual's capability to perform the job duties, not on HIV status [whether the individual tests positive for the AIDS or human immunodeficiency virus]." He pointed out that if some of Baltimore's 40,000 city employees refuse to work because of an "unfounded" fear of contracting the AIDS virus, they may be subject to disciplinary action.

Because AIDS is a discomforting topic for most people, information alone is not enough in AIDS education, Alan Emery, a representative of the San Francisco AIDS Foundation, stated. "People must have a way to grapple with the information culturally, emotionally. We must be sensitive to their need to disbelieve and be uncomfortable. We have to be patient and listen to their concerns."

Emery gave specific advice, as well, such as getting support for AIDS education "from people at the top"; ensuring that all those involved in the training have a "common foundation" of knowledge about AIDS; and providing education to all employees, not just managers and supervisors, although managers, he stressed, are very important. "When a problem arises, it's the supervisor who must deal with it," he stated.

Recordkeeping

(4)

BLS OFFICIAL PREDICTS GUIDELINE REVISIONS WILL ADDRESS RESTRICTED WORK, PRESCRIPTIONS

GREENSBORO, N.C.—(By a BNA Staff Correspondent)—Restricted work days and the single-dose concept for prescription drugs head the list of issues that likely will be addressed in the upcoming revisions of the Bureau of Labor Statistics' guidelines on injury and illness recordkeeping, a BLS official told a safety conference May 18.

Bob Whitmore, acting chief of BLS' Branch of Recordkeeping Requirements, speaking to the 58th annual North Carolina Statewide Safety Conference, outlined a variety of issues that employers have raised in connection with recordkeeping, ranging from back injuries to use of antiseptics. Whitmore told BNA on May 23 that "those topics are the ones that seemed to be creating the most concern and hopefully they will be addressed in the revision process."

The current guidelines, issued in 1986, are approved by the Office of Management and Budget through the end of 1988 (15 OSHR 1246, 1260).

Employer Involvement Sought

At the conference, sponsored by the North Carolina Industrial Commission, Whitmore said employers should get involved in the revision process. He suggested that employers make suggestions for changing the guidelines in a number of areas, including the question of when an injury restricts work activity and therefore must be recorded on an official injury log. Whitmore said the current concept "needs a lot of work because it is far too broad and all-encompassing for today's world of work."

Under the present system, restricted work activity means that a worker is unable "to do all or any part of [his] normal job for the full shift," Whitmore said. He said that was more practical in the past when workers had very specific jobs.

Today, he said, many workers do jobs previously done by three or four workers, and an injury might prevent them from doing one task, but not another. "The generic worker and restricted work activity as we define it now just do not mix—it is not fair," Whitmore said.

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The "single-dose concept" under which a second administration of a prescription medicine makes a work-related illness recordable is another issue that needs examination, Whitmore said. Before the last BLS guideline revision, any use of a prescription drug had to be recorded. The change to the single-dose concept was an improvement, but still "is not real practical." he said. Whitmore said the guidelines need to be changed because "we need to be able to factor in this tender loving care and preventive treatment."

Rule On Antiseptics To Change

Whitmore said he could guarantee that the guidelines governing application of antiseptics would be changed. He said the rules that make recordable an injury requiring the second use of an antiseptic are "a bunch of bunk."

The rule has been in the system since 1972, but was not addressed in the last revision, Whitmore said. "We just blew it—we missed it—but you still must put it on the books now," he added. He said he personally "would like to see us just wipe out mention of antiseptics altogether and judge it by whether it is a prescription drug."

Back injuries are another important issue and "a huge problem," Whitmore said. He said the present system requires that an employer record as a back injury all back cases that meet at least one of the four BLS criteria for recording.

Establishing work relationships to determine whether injuries and illnesses are work-related is another topic of concern, Whitmore said. He said the Occupational Safety and Health Administration's rules for reporting work-related injuries and illnesses are much broader than the previous American National Standards Institute system. "Now there is a presumption on-premises of work relation, and that presumption is very difficult to overcome, he said."

Whitmore said hearing loss is another important issue, but he said BLS still is waiting for guidance from OSHA on hearing loss criteria. He said employers with questions about OSHA's position on recording hearing loss should call OSHA officials in Washington, D.C.

Other areas of concern are recording temporary workers' work-related illnesses, clarifying which burns must be recorded, and making it clear which treatments on the medical treatment list must be recorded, Whitmore said.

Under-reporting, Incentives Linked

Whitmore said he thinks the under-reporting of work-related injuries and illnesses has more to do with industry incentive programs, which are tied to safety performance, than with OSHA inspections. He said at one time he thought that "people who under-report injuries are afraid of a wall-to-wall OSHA inspection, but now I do not think that is it at all."

He stressed that he does not oppose industry awards and incentive programs, but added, "There is a tremendous amount of pressure being placed on people out there in the real world." Whitmore noted that employers have established inter-company competition, intra-company competition, awards programs, incentive programs, and bonus plans. "People get all kinds of things, all tied back into safety numbers," he said.

Whitmore said "people should be awarded for good safety," but he urged employers to remove from their incentive programs cases which they feel they could not have been prevented. Employers must report such cases, but if they feel they could not have prevented or controlled the problem, they should note that on the log "and yank those cases out of your incentive program," Whitmore advised.

Brooks Criticizes Policy

North Carolina Labor Commissioner John C. Brooks, also speaking at the conference, took issue with OSHA's recordkeeping inspections policy, describing it as "an expensive lesson of failed public policy." He said North Carolina's "action of not adopting this policy when it was promulgated serves all of us much better."

Brooks said North Carolina's Occupational Safety and Health Division "never agreed with relying solely on record checks" in determining whether a company was safe or unsafe, and consequently deciding whether or not the company should be inspected. "There is no way that a simple records check is going to succeed in protecting the health and safety of our workers," he said.

Brooks expressed concern about a BLS decision to abandon its Supplementary Data System in North Carolina and two other states, effective June 30 (17 OSHR 1857). "We are very concerned about these changes in the recordkeeping system, and we are monitoring [them] very closely," he told the conference. He said the changes "could have a very significant impact upon our current recordkeeping system."

Falls and electrocutions are the leading causes of job-related deaths in North Carolina and two areas of great concern to the state safety division now, Brooks said. It is "critical" that new workers be thoroughly briefed on safe work practices on jobs where these hazards are present, and important that safety practices be reviewed with current workers as well, he said.

Brooks said the division also is concerned about compliance with hazardous materials laws. The top violation cited by division inspectors in 1986-87 was failure of employers to develop and implement written hazard communication programs for their workplaces, he said.

Brooks said North Carolina's occupational injury and illness rate for 1986 fell for the first time in three years, going from 7.4 injuries and illnesses per 100 full-time workers to 7.2 per 100 workers. Brooks said 1986 was the 15th consecutive year in which North Carolina's rate was below that of the national average. He warned against complacency, however, pointing out that 79 workers died in accidents in North Carolina in 1987, 14 more than in 1986.

New York

BILL WOULD PAY FOR PERIODIC EXAMS TO MONITOR WORKERS IN HIGH-RISK JOBS

ALBANY, N.Y.—(By a BNA Staff Correspondent)—New York state would pay for periodic medical exams to monitor the health of workers in high-risk occupations, under legislation proposed May 16 by state Attorney General Robert Abrams.

The bill, which has not been formally introduced yet, would cover an estimated 50,000 workers in 31 hazardous occupations, according to Abrams. The program, according to a draft of the bill, would be supported by a tax on worker's compensation insurance carriers and those who self-insure for worker's compensation.

"The goal of this legislation is to reduce the alarmingly high number of workers who die or become ill, by discovering the diseases in their earliest stages when treatment is most effective," Abrams said. "In addition, the research findings of the program would be used to improve the overall safety of workers in high-risk occupations."

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OSHA argued that 29 CFR 1911.18(d), which provides that a rule promulgating, modifying, or revoking a standard shall be considered issued when filed with the *Federal Register*, mandates the conclusion that the date of issuance is synonymous with the date of promulgation.

The D.C. Circuit rejected that argument, finding that Section 1911.18(d) was adopted in response to *Industrial Union Dept., AFL-CIO v. Bingham*, 570 F. 2d 965, 6 OSHC 1107 (1977), where the court invited OSHA to issue regulations defining when a standard is issued for purposes of marking the inception of the filing period under Section 6(f). The resulting regulation clarified when a standard is "issued," not when it is "promulgated," the D.C. Circuit found.

The court instead adopted the interpretation of the U.S. Court of Appeals for the Second Circuit in *United Technologies Corp. v. OSHA*, 13 OSHC 1582 (1987), which held that an OSHA standard is issued when it is filed in the Office of the Federal Register, and promulgated when published in the *Federal Register*.

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Right-To-Know

WORKERS, UNIONS PLAYING MORE ACTIVE ROLE IN WORKPLACE SAFETY, HEALTH, TUMINARO SAYS

ALBANY, N.Y.—(By a BNA Staff Correspondent)—The focus of the health and safety movement is shifting from the so-called right to know to the "right to act," with workers and unions playing a more active role in safety and health matters in the workplace, Dominick Tuminaro, counsel to the New York State Assembly Labor Committee, told a conference May 4.

Tuminaro said workers should use their "right to act" by organizing health and safety committees within their unions and by joining other unions in forming coalitions and COSH (committee on safety and health) groups. He said labor-management committees on safety and health have been less effective than union committees in many cases.

"We have learned over the years since [the Occupational Safety and Health Act] was enacted that we cannot have an effective health and safety law without involvement and direct participation of workers," Tuminaro said. "With 5 million workplaces, there's no way we can rely on [Occupational Safety and Health Administration] inspections alone."

Tuminaro spoke at the last in a series of health and safety workshops sponsored by the New York State AFL-CIO and Cornell University's New York State School of Industrial and Labor Relations.

Phone Call To Management

Larry Rafferty, chairman of the safety and health committee at Local 301 of the Electronic and Electrical Workers, IUE, told the conference that his committee has such a high degree of credibility with management that he can virtually shut down a hazardous operation by simply making a phone call to management.

Rafferty, whose local represents 3,700 workers at General Electric Co. in Schenectady, said the eight-member committee is appointed by union management and approved by rank-and-file members. The appointments are permanent, which Rafferty said has helped maintain continuity and improved the expertise of committee members.

"GE has grown to respect us probably because of our continuity and because our safety and health committee only handles safety and health," Rafferty said.

Rafferty said politics is kept out of the committee by prohibiting stewards and members of the union's executive board from becoming committee members. Committee members are paid by GE for one day's work a week to conduct health and safety matters.

Under the IUE's contract with General Electric, the safety and health committee can investigate a work site immediately and may call for a meeting with management within 24 hours. Although there is no language empowering the union committee to shut down an unsafe operation, the company will shut it down on the committee's word in most cases, according to Rafferty.

Rafferty said it was important to take safety and health matters out of the grievance process because the process is too slow to deal with critical issues.

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General Policy

OSHA INSPECTION, LAWSUITS FOLLOW BLAST AT SHELL REFINERY; SIX WORKER DEATHS REPORTED

NORCO, La.—(By a BNA Special Correspondent)—An explosion at a Shell Oil Co. refinery has triggered an inspection by the Occupational Safety and Health Administration and at least six multi-million-dollar lawsuits. 50 Billion

The blast, which authorities say occurred at the plant's 16-story catalytic cracking unit, where gasoline is refined from petroleum, is being blamed for the deaths of at least six refinery workers and injuries to more than 50 nearby residents.

The explosion occurred early on the morning of May 5, causing a tremor felt over a 30-mile radius.

Two OSHA inspectors have been on the scene since May 8, but the agency will not have a final report on what may have caused the explosion until at least early July, according to Carl Grose, a district supervisor with OSHA's area office in Baton Rouge.

"There was still one person missing as of May 9 and I think that is Shell's top priority for right now, trying to find that person," Grose said. He said it may be "several days" before OSHA can "begin [its] inspection full-scale."

Grose said that OSHA currently is conducting personal interviews with workers and workers' families and reviewing layout drawings and the maintenance records of the refinery—one of the largest of its kind in Louisiana.

Suits Against Company

Between May 5 and May 9, at least six suits were filed in Louisiana Civil District Court for the 29th Judicial District, in Hahnville, seeking between $16 million and $30 billion in damages on the part of residents and workers who suffered losses from the explosion.

Attorney Wendell Gauthier said May 7 that he was filing suits against Shell on behalf of "both the workers and the residents." In particular, Gauthier said he was representing "one of the deceased [workers], John Moissant," and Moissant's widow.

The suit alleges negligence on the part of the company, Gauthier said, "and it may be that there was negligence on the part of the manufacturers of certain machinery in the refinery." He said he is reviewing evidence on possible causes of the explosion, including computer records.

In addition to six reported worker fatalities, 19 workers sustained injuries, according to authorities. These employees were taken to nearby hospitals in LaPlace and Marrero, and one worker was listed in critical condition with third-degree burns over 80 percent of his body.

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Order To Secure Evidence

Gauthier added that he has filed for a temporary restraining order against Shell for his clients, the Moissants, warning the company not to move or alter in any way "the physical evidence. . . . We've filed for an inspection order which will give us the right to go in and see first-hand what happened."

According to Gauthier, the greatest controversy in the lawsuits—and the highest claims—will center around the employees who died as a result of the explosion. As of May 9 those listed as dead included Lloyd Gregoire, an oil products operator and 20-year veteran of Shell; Ernie Carillo, an eight-year veteran of Shell; Jimmy Poche, an 11-year veteran of Shell; and Joey Poirrier, an eight-year veteran of Shell who worked in the catalytic cracking unit. All of the bodies were found in or near the unit.

Shell spokesman Fred Foster said the refinery will continue to operate and that the plant's 1,690 employees would not be put out of work while repairs and renovations are underway. "We fully intend to repair and rebuild the cat cracker and all associated equipment in the complex," Foster said.

Drug Testing

OSHA SUPERVISORY, POLITICAL OFFICIALS TARGETED BY DOL RANDOM TESTING PROGRAM

All political appointees, supervisors, and compliance inspectors in the Occupational Safety and Health Administration are subject to random testing for the use of illegal drugs under the Department of Labor's drug testing program approved by the Department of Health and Human Services May 3.

According to Bob Zachariasewicz, deputy director of the Labor Department's Office of Information and Public Affairs, the department plans "in the near future" to notify employees that the drug testing program will begin within 60 days. Those employees that fall into the job categories subject to the random testing then will be notified within 30 days of when the actual testing will begin.

Zachariasewicz told BNA that of the 18,000 workers employed by the Department of Labor, 3,000 are subject to random drug testing under the "Drug Free Workplace" program. Of those 3,000 employees, 15 percent will be randomly selected each year to undergo a urinalysis, he said.

DOL's program requires that any employee chosen for a drug test be notified at least two hours before the test, he added.

The federal Drug Free Workplace Program was ordered by President Reagan Sept. 15, 1986, in Executive Order 12564. In July 1987, Congress passed legislation affecting the implementation of the order, and required that all federal programs meet HHS guidelines for testing. The goal of the order is to "maintain a safe and drug-free workplace for all federal workers," Zachariasewicz said.

Affected Employees

Those OSHA employees who could be tested include OSHA Administrator John Pendergrass, his special assistants, and the heads of OSHA's directorates, such as the director of technical support, Zachariasewicz said.

Also subject to testing would be safety and health supervisory managers, including area directors and regional administrators who "give guidance and direction to inspectors and compliance officers conducting compliance inspections." All compliance safety and health officers, occupational safety and health specialists, and safety engineers involved in inspections, would also fall into the testing category, Zachariasewicz said.

Also included on the list of employees that could be tested are industrial hygienists in supervisory positions, safety and health engineers in supervisory positions, and non-supervisory safety and health officials who have access to "top secret documents," Zachariasewicz said. He gave as an example safety and health officials working on an inspection of a Department of Defense contractor worksite.

DOL's drug testing program had to comply with HHS technical guidelines, before it was approved, the information officer said. For example, the guidelines call for the involvement of "four testers" for each urine analyses.

He explained that one contractor will collect the urine sample, one will do the analysis, one will check the proficiency of the analysis, and a fourth will be a medical review officer to review the results with the employee.

Enforcement

COMPLAINTS ABOUT CARPEL TUNNEL DISORDER PROMPTS OSHA INSPECTION AT MEATPACKING PLANT

ST. PAUL—(By a BNA Staff Correspondent)—Responding to two complaints, the North Dakota regional office of the Occupational Safety and Health Administration May 3 began an investigation into the alleged incidence of carpal tunnel syndrome at the John Morrell & Co. meatpacking plant in Sioux Falls, S.D.

The investigation will examine 23 departments at the plant, as well as employee medical records. If OSHA determines there are hazards at the plant, or that Morrell has violated its standards, Bruce Beelman, OSHA's area director, said it could issue citations to the company and require it to correct any problems.

Beelman said he had no idea how long the investigation would take. His office had wanted to start the investigation sooner, he said, but Morrell had initially denied OSHA entry because it was preparing for an appeals hearing on a previous OSHA citation for alleged recordkeeping violations (16 OSHR 1316). He said OSHA served the company with a search warrant April 29.

Union Charges 'Epidemic'

While Beelman said he could not identify who filed the complaints on carpal tunnel syndrome with his office, other than saying it was either an employee or an employee representative, Jim Lyons, president of Local 304A of the United Food and Commercial Workers Union, said the UFCW has been trying to get Morrell to address the issue for several years. Now, he said, the incidence of carpal tunnel syndrome at the plant is high enough to be considered an "epidemic."

"Since 1984 we've concentrated on the problem and tried to get the company to address it," he said, "but we've run into a brick wall every time we've tried to get them to address it."

According to Lyons, the local, which represents three units at the plant, negotiated a contract in 1985 that called for an outside consultant to be brought into the plant to study carpal tunnel. The consultant completed his study, he said, but Morrell never implemented any of the study's recommendations. Those recommendations included early diagnostic programs, as well as redesigning jobs, he said.

He said the union itself had requested ample introductory and training periods for new workers, sharp knives, meat that comes to workers in proper condition to cut, proper

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Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1464	Asbestos, Tremolite, Anthophyllite and Actinolite 6/88	1218-AA26
1465	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95
1466	Medical Surveillance Programs for Employees	1218-AB00
1467	Exposure Monitoring Programs PEL for "Z" Tables next week	1218-AB01

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1468	Carcinogen Policy NPRM 12/88	1218-AA01
1469	Respiratory Protection NPRM 7/88	1218-AA05
1470	Methods of Compliance NPRM 5/88	1218-AA28
1471	Oil and Gas Well Drilling and Servicing (Part 1910) NPRM 12/88	1218-AA34
1472	Benzene Final 12-10-87; Barge, Tanker Cleaning NPRM 8/88	1218-AA47
1473	Fall Protection Systems (Personal Protective Equipment) (Part 1910) NPRM 11/88	1218-AA48
1474	Confined Space (Part 1910) NPRM 9/88	1218-AA51
1475	Logging (Part 1910)	1218-AA52
1476	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910) NPRM 4/88 Final 3/89	1218-AA53
1477	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1478	4,4'-Methylenedianiline	1218-AA58
1479	Electric Power Generation, Transmission and Distribution (Part 1910) NPRM 5/88	1218-AA59
1480	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1481	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1482	Steel Erection (Part 1926) NPRM 12/88	1218-AA65
1483	Fall Protection (Part 1915) NPRM 4/88	1218-AA66
1484	Scaffolds (Part 1915) NPRM 4/88 Final 3/89	1218-AA68
1485	Access and Egress (Part 1915)	1218-AA70
1486	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910) NPRM 3/89	1218-AA71
1487	Welding, Cutting and Brazing (Part 1910) NPRM 10/88	1218-AA72
1488	Welding, Cutting and Heating (Part 1915)	1218-AA73
1489	Personal Protective Equipment (Part 1915)	1218-AA74
1490	Compressed Air (Part 1926)	1218-AA76
1491	1,3-Butadiene NPRM 9/88	1218-AA83
1492	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates NPRM 10/88	1218-AA84
1493	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1494	Gear Certification (Part 1919)	1218-AA97
1495	Methylene Chloride NPRM 11/88	1218-AA98
1496	Hazard Communication NPRM on changes 4/88	1218-AB02
1497	Walking and Working Surfaces (Part 1910) NPRM 11/88	1218-AB04
1498	Bloodborne Infectious Diseases	1218-AB15
1499	Cadmium NPRM 6/88	1218-AB16
1500	Permissible Exposure Limit Update NPRM 4/88	1218-AB17
1501	Hazardous Materials (Part 1910) NPRM 1/89	1218-AB20
1502	Shipyard Employment: Phase II (Part 1915)	1218-AB22

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DOL

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1503	Occupational Exposures to Toxic Substances in Laboratories ... Final action 7/98	1218-AA00
1504	Ethylene Dibromide (EDB)	1218-AA06
1505	Access to Employee Exposure and Medical Records ... Final action 5/88	1218-AA15
1506	Concrete and Masonry Construction (Part 1926)	1218-AA20
1507	Electrical Safety-Related Work Practices (Part 1910) ... Final action 7/89	1218-AA32
1508	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1509	Excavations (Part 1926) ... Final action 12/88	1218-AA36
1510	Fall Protection (Part 1926) ... Final action 11/88	1218-AA37
1511	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1512	Scaffolds (Part 1926) ... Final action 11/88	1218-AA40
1513	Crane or Derrick Suspended Platforms (Part 1926) ... Final action 4/88	1218-AA45
1514	Stairways and Ladders (Part 1926) ... Final action 11/88	1218-AA57
1515	Hazardous Waste Operations and Emergency Response (Part 1910) ... Final action 7/88	1218-AB13
1516	Lead (Reconsideration of the Feasibility of Compliance in Nine Industry Sectors)	1218-AB18
1517	Asbestos Short Term Exposure Limit ... Final decision 6/88	1218-AB21

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1518	Ethylene Oxide ... Final action 6/88	1218-AA03
1519	Grain Handling Facilities (Parts 1910 and 1917)	1218-AA22
1520	Safety Testing/Certification (Part 1910) ... Final action 4-12-88	1218-AA42
1521	Presence Sensing Device Initiation of Mechanical Power Presses (Part 1910) ... Final action 6-13-88	1218-AA54
1522	Formaldehyde ... Final action 2/88 Final rule Aug 88	1218-AA82
1523	Surface Preparation and Preservation (Part 1915)	1218-AA96

DEPARTMENT OF LABOR (DOL) **Prerule Stage**

Occupational Safety and Health Administration (OSHA)

1464. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None.

Abstract: On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial administrative stay	10/17/86	51 FR 37002
To be coordinated with MSHA	06/00/88	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA26

CC: Biggers
Mundt
rld 5/3/88

federal register

Friday
April 29, 1988

Part II

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1910
The Control of Hazardous Energy Sources (Lockout/Tagout); Proposed Rule

If you need a copy of the full document (34 pages) let me know.
John Biggers
Dow - Freeport

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