



ASBESTOS INFORMATION ASSOCIATION

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PLAINTIFF'S EXHIBIT

CAP-710

November 4, 1983

MEMORANDUM FOR: MEMBERS

Subject: OSHA Emergency Temporary Standard on Asbestos

As you know, OSHA announced November 2, an asbestos Emergency Temporary Standard (ETS) despite our concerted efforts to convince the Agency not to do so. Throughout the past several months, the Association has been urging OSHA not to issue an ETS, but rather to propose and finalize a permanent standard on an expedited basis.

Enclosed for your information is a copy of OSHA's Federal Register notice, as well as a press release issued Thursday by the Association reacting to the ETS. Attached hereunder is a succinct summary of the requirements of the ETS.

At the direction of the Association's Executive Committee, our Special Counsel for Federal Regulatory Affairs, the law firm of Kirkland & Ellis, filed a petition to review the ETS on November 2 in the U.S. Fifth Circuit Court of Appeals. The Association believes OSHA's claim of "grave" dangers at the current 2 fiber/cc level is unwarranted and unsupported. Enclosed is an important letter from Kirkland & Ellis that requires your immediate attention. Special Counsel needs information from each of you to handle this litigation.


B. J. Pigg
Executive Director

Enclosures

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REQUIREMENTS IMPOSED
BY THE ASBESTOS ETS

The ETS requires IMMEDIATELY that:

1. No workers shall be exposed to greater than 0.5 fibers/cc as an 8-hour time weighted average. Compliance with the new standard may be "achieved by any feasible combination of engineering controls, work practices, and personal protective equipment and devices." (emphasis added)
2. As soon as possible, but not later than December 3, each employer shall institute a training program for all employees exposed above 0.5 fibers/cc. Each employee shall be informed of: (a) health effects associated with asbestos; (b) the relationship between asbestos and smoking in producing lung cancer; (c) the nature of operations that could result in asbestos exposure and necessary protective steps to minimize exposure; (d) the purpose, proper use, fitting instructions, and limitations of respirators; and (e) all provisions of the OSHA asbestos standard.
3. Warning signs must be installed wherever asbestos concentrations may exceed 0.5 fibers/cc.
4. Respirators shall be chosen in accord with the following table:

TABLE 1

Respiratory Protection
For Airborne Concentrations of Asbestos

<u>Airborne Concentration of Asbestos (TWA)</u>	<u>Required Respirator^{1/}</u>
Not in excess of 5 f/cc (10 X PEL)	Reusable or single use air purifying respirator
Not in excess of 50 f/cc (100 X PEL)	Full facepiece air purifying respirator, or a powered air purifying respirator
Greater than 50 f/cc	A type "C" continuous flow or pressure demand, supplied air respirator

^{1/} Respirators specified for high concentrations may
be used at lower concentrations of asbestos.