



Johns-Manville

Internal Correspondence

6198

To: J. Lonnquist - Washington D.C.

Date: Sept. 13, 1979

From: R. P. Carter

PLAINTIFF'S
EXHIBIT
JM-1880

Copies: P. Kotin, M.D.; G. E. Parker; R. Von Wald; J. Autry

Subject:

I learned this week that Assistant Secretary of Labor, Eula Bingham, has directed two members of her staff, Peter Infante and Dr. Victor Alexander (both of whom are strongly anti-industry), to prepare supporting documentation for and to draft an emergency temporary standard for asbestos at or below a two permissible exposure level of 0.3 fibers/cc by November 1 of this year. It is my guess that they will establish a permissible exposure level of 0.1 or 0.2 fibers/cc.

The above is not public information and therefore should not be communicated to individuals outside the industry.

The emergency temporary standard will likely be based on two recently published studies. The first study by Berry et al updates the long-term study of Turner Brothers' textile plant in Great Britain. That study suggests that occupational exposures to asbestos at levels as low as 0.3 fibers/cc may result in the occurrence of asbestosis. The second study by Selikoff and Hammond updates their long-term study of the association of occupational exposure to asbestos with lung cancer. In the past, Selikoff and Hammond have concluded that only asbestos workers who smoked were at an excess risk of developing lung cancer. They now conclude that "even in the absence of cigarette smoking, asbestos increases the risk of lung cancer."

I apprised Dick Von Wald of this situation yesterday, and he suggested that I forward copies of these studies to you for review.

In addition, I suggested to Dick that the assignments set forth by Earl Parker in his memo to you of September 4 be expanded to include an analysis of OSHA's legal authority to issue an emergency temporary standard on asbestos.

I do not believe that either of the attached studies support the issuance of an emergency temporary standard.

RECEIVED

J. Lonnquist
Sept. 13, 1979
Page 2

Furthermore, I do not believe that Congress ever envisioned authorizing OSHA to issue an emergency temporary standard for a substance which has been the subject of a comprehensive OSHA health standard for a period of approximately eight years.

I will be in Washington September 18-20 and will be glad to provide you with any additional information or assistance which you may need.

Dick

R. P. Carter

RPC/lc

Enc.

DDO: 10-10
JAN 30 1980