

**PLAINTIFF'S
EXHIBIT**

ETCO-319

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
WASHINGTON, D.C. 20210



MAR 4 1977

Mr. Roger D. Tankersley
The Travelers Insurance Companies
One Tower Square
Hartford, Connecticut 06115

Dear Mr. Tankersley:

This is in response to your letter dated September 27, 1976, in which you requested some interpretations relative to the Occupational Safety and Health Administration (OSHA) asbestos standard (29 CFR 1910.1001).

Although, by its express terms as well as the developing case law 29 CFR 1910.1001(j) would require medical examinations where employees are exposed to any concentration of airborne asbestos fibers, it is current OSHA policy to require medical examinations only when employee exposures to airborne asbestos exceed 0.1 fibers greater than 5 microns in length per cubic centimeter of air (f/cc greater than 5 microns) on an 8-hour time-weighted average (TWA) basis or exceed a peak level of 0.5 f/cc greater than 5 micron based on 15-minute sampling periods. Our policy in this regard derives support from a recent recommendation from the National Institute for Occupational Safety and Health (NIOSH) that the permissible exposure limits for airborne asbestos be fixed at these levels. This recommendation was made by NIOSH in its document entitled, Re-examination and Update of Information on the Health Effects of Occupational Exposure to Asbestos (December, 1976).

The existence of employee exposure to airborne asbestos fibers in excess of 0.1 f/cc greater than 5 microns on an 8-hour TWA basis or in excess of 0.5 f/cc greater than 5 microns on a 15-minute TWA basis are verified by OSHA through measurement before a citation is issued for failure to provide or make available a medical examination required under paragraph 29 CFR 1910.1001(j).

A company using asbestos under conditions where employee exposures are exceeding the levels referred to above, that pursuantly discontinues the use of asbestos and begins using fiberglass, must verify by measurements that exposures above these limits are no longer occurring due to lingering causes such as asbestos settled about the plant, before it is permitted to pursue with the discontinuation of medical examinations. The medical examinations may then be discontinued after the next annual medical examinations that come due have been provided or made available.

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Please accept my apology for the delayed response. I hope you find the information provided helpful.

Sincerely,

Richard P. Wilson

Richard P. Wilson, Deputy Director
Federal Compliance and State Programs

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