

**The Government Research Corporation**

1730 M Street N.W., Washington, D.C. 20036 Telephone (202) 833-5000

ASBESTOS REVIEW

February 1975

R-329-1

A monthly report summarizing federal regulations
and policy developments affecting the asbestos industry.
Prepared for the Asbestos Information Association/North
America by The Government Research Corporation.

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Jerry Wright
Jim Wright
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OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety and Health Legislation (David L. Mallino)

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As a result of previous hearings conducted by Williams' Subcommittee on Labor, a number of problems with the 1973 bill arose which have slowed preparation of this new bill. The two greatest problems presently being resolved concern enforcement and occupational disease.

The enforcement issue has been raised by the states which take the position that it is unfair and unrealistic to impose federal jurisdiction on a state which has met all but a few of the standards mandated in the bill. Both organized labor and the Senators agree that the argument has some merit, and they are now looking for a way to exercise federal enforcement powers without being arbitrary.

The occupational disease issue involves compensation of workers who are presently suffering an occupational disease as defined under the proposed federal law, but not covered under existing state law. Discussions are currently focusing on two alternatives:

1. To provide federal compensation to these disabled workers along the lines of the federal Black-Lung Law, or
2. To mandate a special industry-wide fund out of which compensation will be paid.

As reported previously by GRC, a number of bills have been introduced which parallel the federal Black-Lung Law which provides qualified coal miners with compensation out of the federal treasury. Legislation to do the same for workers suffering from asbestosis, bysinosis, silicosis and other types of work-related diseases have been introduced by several Representatives and Senators. The greatest objection to this approach is its cost to the government -- the black lung payments are extremely higher than originally estimated. It is therefore unlikely that the Congress would approve the first alternative of providing federal compensation to any additional workers.

The option of industry-wide funds appears to be gaining support among those involved in writing the new bill. While no details are available on precisely how such a fund would operate, those responsible for drafting the legislation are examining a proposal introduced by Rep. John Dent (D-Pa.) which would create an industry fund for those black-lung victims who, because of the cut-off date, do not qualify for federal compensation. The Dent proposal may serve as a vehicle applicable to other industries, should Williams and Javits decide to go the industry-fund route.

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Dunlop's confirmation by the Senate is virtually assured and he will probably assume office in March.

ENVIRONMENTAL HEALTH

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The status of toxic substances legislation on the House side is much less clear. Although jurisdiction over toxic substances was not affected by upheavals in the Interstate and Foreign Commerce Committee and remained with the same subcommittee, the chairmanship of the Consumer Protection and Commerce Subcommittee (new name for Commerce and Finance Subcommittee) has passed from Rep. John E. Moss (D-Calif.) to Rep. Lionel Van Deerlin (D-Calif.). Increasing the uncertainty over the subcommittee's attitude toward toxic substances is the number of new faces on it. Only three members are returning to the subcommittee (Reps. Stuckey, Eckhardt and McCollister) and of the seven Democratic positions, only five have been filled so far (Van Deerlin, Stuckey, Eckhardt, Metcalfe and Staggers). Only three Republicans hold seats on the subcommittee -- Devine, McCollister and Rinaldo. Thus, House action will be slower than normal if for no other reason than the additional time needed to organize and acquaint new members with the issues.

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