

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

PLAINTIFF'S EXHIBIT

SH-1744



OCT 30 1986

Mr. Thomas E. Kupferer
2231 Remington Drive
Naperville, Illinois 60565

Dear Mr. Kupferer:

This is in response to your letter of October 2 concerning regulatory provisions contained in the new standard for exposure to asbestos, tremolite, anthophyllite and actinolite in the construction industry.

Your first area of concern was the provision that requires daily monitoring within a regulated area. You stated that conscientious employers will establish a regulated area for every asbestos removal job, regardless of duration, and that this would result in a multitude of samples that essentially would be meaningless because employees will be wearing respirators.

The intent of §1926.58(f)(3) is to require daily monitoring only where airborne levels exceed 0.2 fiber/cc. When it is necessary to establish a regulated area, as required by the standard, daily monitoring not only verifies the adequacy of the respiratory protective devices worn, but serves as a check to ensure that engineering controls are functioning properly and that specified work practices are being carried out. It should be noted that where daily monitoring reveals that employee exposures (as indicated by statistically reliable measurements) are below the action level, the employer may discontinue monitoring for those employees whose exposures are represented by those samples. In addition, daily monitoring is not required in a regulated area where all employees are equipped with supplied air respirators operated in the positive pressure mode.

Your second issue dealt with the establishment of a negative pressure enclosure for asbestos removal, demolition and renovation operations. The intent of §1926.58(e) is to require a negative pressure enclosure only where a regulated area is required. Regulated areas are established only where asbestos concentrations exceed the permissible exposure limit.

The requirement for setting up a negative pressure enclosure closely parallels the Environmental Protection Agency's requirement for proper work area containment. Without such containment measures, asbestos containing materials would be

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dispersed outside the work area and a significant exposure hazard could result for plant or building occupants. The use of negative pressure systems, together with high efficiency particulate (HEPA) filtration to move air from within the work area to outside the regulated area, will provide added protection. A harmful level of contaminants would not, as a rule, build up in a regulated area, as negative pressure is required during work activities.

Your letter does not provide sufficient information for us to evaluate your situation. You claim that air levels taken at the perimeter of removal operations conducted at your company are not in excess of the action level. However, there is no mention of air concentrations found in the breathing zone of employees actually performing asbestos removal work. ~~"Depending on the nature and extent of exposure, the requirement for a negative pressure enclosure may not be applicable in your case."~~

Efforts are currently under way to correct the contradictory statements, such as those highlighted in your letter, which appear in the Federal Register notice dated June 20, 1986. Corrections to this notice will be published in the Federal Register in the near future.

I hope this information will be helpful to you.

Sincerely,


John A. Pendergrass
Assistant Secretary

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