

FILE NAME: Allied Signal Bendix (ASB)

DATE: 1986 Oct 22

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DOCUMENT DESCRIPTION: Memo RE Current Litigation Regarding OSHA's
2.2 Fiber/cc Regulation

Date: October 22, 1986

To: Distribution

From: E.L. Rogers

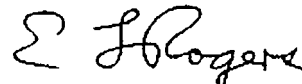
Subject: CURRENT LITIGATION REGARDING
OSHA'S 0.2 FIBER/CC REGULATION

1. On 9/18/86, 3M filed a second motion for immediate stay of those portions of the new standard (published 6/20/86) which forbid the use of their disposable (non-HEPA) type filters at asbestos concentrations up to 10 times the new Permissible Exposure Limit.
2. On 10/20/86, AIA/NA filed a motion for immediate stay of the entire regulation because AIA/NA believes that OSHA has not met its obligation of proving that the new rules:
 - a. are feasible
 - b. meet the objectives required by statute, and
 - c. did overstate the health risk involved

AIA/NA's cross examination of EPA's "experts" lead the plaintiff to believe that the proposals were not scientifically founded, that the number of lives to be saved by investing \$4,000,000,000 (not OSHA's \$2,000,000,000) will more likely be 5 (not 1000) and that the benefits of drastically reducing the permissible exposure would not be known until the 21st Century (due to effect of the already improved working conditions begun in 1973).

3. Bob Pigg also learned that EPA had just issued a multimillion dollar contract with Battelle Memorial Institute to study asbestos fibers and "asbestos substitutes" to determine the relative health effects (better late than never!).

In summary, AIA/NA is still pushing for controlled use of (instead of a ban on) asbestos and believes that today's uses do not pose an unreasonable risk to either the workers or the general population.


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