



ASBESTOS INFORMATION ASSOCIATION

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PLAINTIFF'S EXHIBIT

BOND-229

31 January 1977

Mr. Julius Nemeth
President
Bondex Corporation
2628 Pearl Road
Medina, OH 44526

Dear Mr. Nemeth:

We write to invite you as a manufacturer or processor of asbestos-containing products to join in support of the work of this Association. Your participation and financial contribution are needed to meet the formidable problems confronting the industry.

As you are aware, asbestos became an initial target of both OSHA and EPA with the establishment of these agencies in 1970-71. On December 7, 1971 OSHA published an emergency temporary standard on asbestos exposure and promulgated a "permanent" standard in June 1972 of five fibers per cubic centimeter of air, time-weighted average, as the permissible exposure in the workplace to be reduced to 2 f/cc of air effective July 1, 1976. The National Institute of Occupational Safety and Health (NIOSH) had recommended to OSHA an immediate 2 fiber standard.

Shortly after the promulgation of the standard, the Industrial Union Department (IUD) of the AFL-CIO filed suit to challenge the standard. In April 1974 the U.S. Court of Appeals for the District of Columbia denied the IUD petition except to suggest that OSHA might require the 2 fiber standard in those sectors of the industry where earlier compliance was feasible and that a longer period for the retention of personal and environmental monitoring records than stated in the regulation should be required. On October 9, 1975 OSHA proposed a revision to the standard to reduce the permissible exposure level to 0.5 f/cc. No advance notification or coordination with industry had been made. Last month NIOSH recommended to OSHA that the standard be further reduced to 0.1 f/cc. In the OSHA document proposing the 0.5 f/cc permissible level, it is stated that new research developments and advances in monitoring and protective technology are the reasons for the proposal to drastically lower the standard. The December NIOSH recommendation simply advises that standards for carcinogens should be set at the lowest level

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detectable and that since phase contrast microscopy is the only generally available and practical analytical technique at the present time the recommended level is defined to be 100,000 fibers greater than 5 microns in length per cubic meter or 0.1 f/cc on an 8-hour time-weighted average.

AIA/NA, an incorporated, non-profit organization, came into being in December 1970 to provide industry information and an industry voice in regulatory activities as it carried out its principal purpose to advise and assist the industry in techniques and procedures for safe handling of asbestos and asbestos-containing products in the manufacturing processes.

The Association with only a handful of members was a major participant in the initial OSHA public hearings in March, 1972. In its brief period of existence the Association has grown in membership offering unique and valuable services to the industry.

Public hearing on the proposed revision to the OSHA asbestos standard is expected to be held in the near future. The date has not been set nor has the inflationary impact statement required by executive directive been published. The effect of the NIOSH recommendation for a 0.1 f/cc standard is not known.

On April 8 last year the Association submitted formal comment to OSHA on the proposed regulation revision. AIA/NA's documents included detailed comments and recommendations, a technological feasibility and economic impact study and a statement on medical-science issues. The technological feasibility and economic impact study was performed by an independent firm. Non-member companies were invited to participate in the development of the industry response by providing relevant data and contributing funds in support of the project costing more than \$100,000. Seventy-seven companies and fifteen trade associations endorsed the document submitted to OSHA. In a summary statement the Association stated, "Since there is no new evidence to indicate that the 2 f/cc TWA standard adopted in 1972 does not adequately protect the health of the working population, it would be grossly inequitable and a denial of due process to lower the standard at this time."

The Association, noting that the proposal excluded the construction industry and that a separate standard would be promulgated, urged OSHA to defer hearing on the manufacturing regulation until its construction standard is proposed and its impact measured. An estimated 70% of asbestos tonnage consumed by U.S. manufacturers is used in products for construction.

The Association, with the cooperation of a number of construction industry trade associations, is currently conducting an in-depth study of asbestos in the construction industry through an independent firm at an approximate cost of \$150,000. The results of this study with recommendations for an asbestos standard for the construction industry will be submitted to OSHA.

The proliferating number of suits at law asserting claims against manufacturers for alleged asbestos-related injuries (third party liability) is recognized by the Association. Special counsel has been engaged to analyze these cases for assistance to industry in defending similar suits at law. A comprehensive study and analysis of medical literature on asbestos-related disease is an important current project of the Association.

The Association is deeply involved in its education and training programs for the safe use of asbestos. Liaison with federal government agencies in addition to OSHA and EPA where problems have presented, e.g., Food and Drug Administration, Consumer Product Safety Commission, and Department of Interior (MESA), is another area of Association involvement. AIA/NA is a charter member of the International Asbestos Information Conference and maintains close relationships with asbestos interest organizations throughout the world. The Association produces a monthly newsletter and has developed a number of useful printed materials.

At the December 1976 Directors' meeting the importance of broader participation in Association affairs was discussed. Revised definitions of membership with appropriate dues structure to support current activity expenditures were approved. A membership application, dues information, and Association Bylaws are enclosed.

The length of this letter is regretted. We felt you would wish to know what we are doing, why the Association is important to you, and how your membership will benefit the work of the Association on behalf of the asbestos industry.

We look forward to hearing from you.

Sincerely,



R. H. Mereness
Executive Director

RHM:v
Enclosures