

OSHA file #

K-3284 46 74



February 11, 1974

Doctor David G. Gillespie
Chief of Pulmonary Disease
Cleveland Metropolitan General Hosp.
3395 Scranton Rd.
Cleveland, Ohio 44109

Dear Dr. Gillespie:

After having had much difficulty catching you in the midst of your very busy schedule, I was greatly encouraged by the productivity of our conversation of February 7 and 8. I appreciate your efforts on our behalf and the behalf of our employees.

As I mentioned on the phone we were issued a citation by OSHA for failing to provide annual comprehensive medical examinations to each of our employees engaged in occupations exposed to airborne concentrations of asbestos fibres. They cite 29 CFR 1910.93(a)(j)(3) of the Act which I have blocked out in the enclosure. We have been given until February 22, 1974 to correct this violation and thus time is of the essence.

If you would, please send me an itemized statement of charges for each of the examination procedures required by the Act. I expect that approximately 30 employees will initially require examination.

When your technician is released from his hospital confinement and back on his feet or when you have been able to make other arrangements, I will schedule employees for examination at your convenience. There will be great advantages to us if the entire examination can be handled in one visit.

Thank you again for your cooperation in this matter and I await your reply.

Very truly yours,

cc. M. Wood, Plant Manager

Kenneth Bowman, OSHA Area

DIRECTOR, US Dept. of Labor.

DBW/b

David B. Woodbury
Industrial Relations Mgr.

000-00-0000000456

FOS-00-0000003286

Legend	Notation
Asbestos	1" Sans Serif, Gothic or Block
Dust Hazard	3/4" Sans Serif, Gothic or Block
Avoid Breathing Dust...	1/2" Gothic.
Wear Assigned Protective Equipment.	1/2" Gothic.
Do Not Remain In Area Unless Your Work Requires It.	1/2" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health.	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) **Caution labels.**—(i) **Labeling.** Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, liner, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) **Label specifications.** The caution labels required by subdivision (i) of this subparagraph shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

(i) **Housekeeping.**—(1) **Cleaning.** All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) **Waste disposal.** Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) **Recordkeeping.**—(1) **Exposure records.** Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 5 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) **Employee access.** Every employee and former employee shall have reasonable access to any record required to be maintained by subparagraph (1) of this paragraph, which indicates the employee's own exposure to asbestos fibers.

(3) **Employee notification.** Any employee found to have been exposed at any time to airborne concentrations of asbes-

tos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(i) **Medical examinations.**—(1) **General.** The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) **Preplacement.** The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(3) **Annual examinations.** On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(4) **Termination of employment.** The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(5) **Recent examinations.** No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) **Medical records.**—(i) **Maintenance.** Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) **Access.** The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this

paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

§ 1910.93b Coal tar pitch volatiles; interpretation of term.

As used in § 1910.93 (Table G-1), coal tar pitch volatiles include the fused polycyclic hydrocarbons which volatilize from the distillation residues of coal, petroleum, wood, and other organic matter.

[37 FR 24749 Effective November 21, 1972]

§ 1910.93c 4-Nitrophenyl.

(a) **Scope and application.** (1) This section applies to any area in which 4-Nitrophenyl, Chemical Abstracts Service Registry Number 92933 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (c) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Nitrophenyl.

(b) **Definitions.** For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 µm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Nitrophenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Nitrophenyl where containment prevents the release of 4-Nitrophenyl into regulated areas, non-regulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Nitrophenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Nitrophenyl from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Nitrophenyl which may result in exposure to or contact with 4-Nitrophenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Nitrophenyl, which is impervious to the passage of 4-Nitrophenyl, and which would prevent