

INTER-OFFICE COMMUNICATION

*file Vermiculite
asbestos*
Scotts.

To: John Cleveland
cc: John Kilsheimer, John Kennedy

From: S. V. Chamberlain

Subject: OSHA Standards

Date: July 14, 1980

The recent landmark Supreme Court decision striking down the OSHA safety standard on benzene exposure could very well be a benefit to us relative to proposed reduced standards on asbestos. At issue was an OSHA rule that reduced the permissible benzene exposure limit to a time-weighted average of 1 ppm from 10 ppm. because the aromatic solvent is a suspect leukemogen.

The act implies that before promulgating any standard, OSHA must find that workplaces in question are not safe. But safe is not the equivalent of risk free. Moreover, OSHA did not demonstrate that the original 10 ppm standard was unsafe, said the justices. Hence, OSHA could not justify the 1 ppm standard. I see a similar situation with the Asbestos standard reduction.

The majority opinion recognized that scientific uncertainty about toxicity might make it difficult for OSHA to evaluate risk. The court offered no formula for how OSHA must specify risk. At least this may slow OSHA down.

