become conclusive and the court would issue an order; if there were a challenge, the EEOC record would go to the court; the court could hold an oral argument or send the case back for further findings; after the district court disposed of a case that had not been challenged in the district court, there could be only a "narrow appeal" on procedural points to a federal court of appeals; the order would go into effect when the district court entered it, unless a stay was obtained.

The argument is made that with this procedure, "the only thing Dominick hasn't got is the district court holding the trial." The Senate will have a chance to accept or reject that argument when it votes on the Williams-Javits amendment at some undetermined time, but probably next week.

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OCCUPATIONAL SAFETY, HEALTH BODY MOVING TO GET ASBESTOS DUST COMPLIANCE AT PLANT

The Occupational Safety and Health Administration is taking steps to require the Pittsburgh-Corning Corp. to correct possible excessive levels of asbestos dust in and around its Tyler, Tex., plant, according to Chain Robbins, Deputy Assistant Secretary of Labor for Occupational Safety and Health, in a news briefing on February 11.

His comments are in response to telegrams sent by Oil, Chemical and Atomic Workers President A. F. Grospirion to Assistant Secretary of Labor for Occupational Safety and Health George C. Guenther, and Director of the Environmental Protection Agency William Ruckelshaus. The telegrams alleged extremely hazardous working and living conditions resulting from alleged excessive levels of asbestos dust. The OCAW urged that the company be required to bury asbestos waste now dumped into open fields and pits near the installation, so that fibers would not blow around the countryside.

Robbins said this was the first time the OSHA was aware that asbestos dust was spread in open fields, but that as a result of the plant inspection in November 1971, it had cited four alleged violations and proposed a fine of $210. A further inspection by the agency on January 13, 1972, resulted in further citations and recommended penalties of $6,990.

The telegrams to Guenther and Ruckelshaus said, in part:

> "As long ago as March 1968 it was made known to the Bureau of Occupational Safety and Health of the U.S. Public Health Service that workmen in the Pittsburgh-Corning Corp. insulation factory at Tyler, Texas, were exposed to excessive concentrations of asbestos fiber. Various governmental agencies were aware of this situation during intervening years, but corrective actions were never taken."

Robbins told the briefing that such a situation "adds emphasis for the necessity of strong state programs. If Texas had had such a program, it could have taken action."

He had no comment on the charges by Grospirion that burlap bags heavily polluted with asbestos fibers are sold to rose nurseries and should be recalled from circulation because "of the health hazards they pose to nursery employees and possibly to gardeners who buy rose plants wrapped in the bags.

Referring to a previous news briefing in which he commented on noise abatement programs and suggested that employers hire outside consultants to conduct audiometric studies on whether noise abatement was necessary, (DLR 10 [1972]: A-12), Robbins said the OSHA has no legal obligation to cite employers when they do not do so. He explained that audiometric tests are a measurement of hearing ability at various sound levels.

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