

B U L L E T I N

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April 10, 1984

FEDERAL REGULATORY ACTIVITY CONCERNING ASBESTOS

This is to advise that Federal Regulatory Agencies took action on certain asbestos related regulations this week. The action by the Occupational Safety and Health Administration (OSHA) may have a profound effect on the friction products industry. The other, by the Environmental Protection Agency (EPA) has little impact on our industry, it being more the concern of the Construction Industry.

OSHA PROPOSALS FOR A PERMANENT ASBESTOS STANDARD

These proposals have been forthcoming for some period of time. They were apparently delayed during the Court action on OSHA's November 1983 invoking of an Emergency Temporary Standard (ETS). This was the standard, that among other things, dropped the permissible exposure level (PEL) to 0.5 fibers per cc time weighted average(TWA). The ETS was overturned by the Courts in March 1984.

I have not as yet received the full content of the proposals on the asbestos standard. When they are received, copies will be sent to Delegates, the Health and Environmental Affairs Committee, and certain other parties that have asked for this information. Others who wish copies should write the Institute Office.

It is expected that the Institute's Health and Environmental Affairs Committee (HEAC) will meet shortly to discuss any Institute comments on these proposals.

EPA NATIONAL EMISSION STANDARDS FOR ASBESTOS

The EPA published these final regulations on Thursday, April 5, 1984.

These regulations essentially reinstated work practices standards for working with asbestos in the construction industry. These had been invalidated by the Courts some years ago but legislation since that time permitted reinstatement of such regulations. They concern roadway surfacing, building demolition and the handling of loose asbestos during demolition. While we have copies of the FEDERAL REGISTER concerning this action, copies will only be sent on request.

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Executive Director

Copies:
Delegates and Alternates
H.E.A. Committee

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NY TIMES - APRIL 10, 1984 - OSHA PROPOSALS
FOR PERMANENT ASBESTOS STANDARD

U.S. PROPOSES CUT IN ASBESTOS LIMIT

Agency's Suggestion Would
Make the Workplace Safer
for 375,000 in Industry

By BEN A. FRANKLIN

Special to The New York Times

WASHINGTON, April 9 — The Reagan Administration today proposed a reduction in the amount of asbestos permitted in workplaces to one-quarter of the current limit.

The proposal by the Labor Department's Occupational Safety and Health Administration, which is to be published Tuesday in the Federal Register, would affect 375,000 industrial workers.

It would cut the permissible exposure level from 2 fibers of asbestos for each cubic centimeter of workplace air, which has been the Federal standard since 1976, to either 0.5 or 0.2 fibers for a cubic centimeter.

The final choice between the two levels, among other options of a highly technical nature, are to be made later this year after a 60-day period in which the safety agency will receive written comments and hold a public hearing on all aspects of the revised asbestos regulations.

The Standards and Deaths

After a working lifetime of exposure, the safety agency said, the current standard would result in 64 more cancer deaths per 1,000 workers than would occur among a 1,000 people not exposed to asbestos. The standard of 0.5 fibers per cubic centimeter would result in 17 additional cancer deaths for 1,000 workers, the agency said, and there would be 7 more cancer deaths for 1,000 workers at the level of 0.2 fibers per cubic centimeter.

The formal publication of the asbestos proposal comes a week after the resignation of Thorne G. Auchter as the Administrator of the agency. Mr. Auchter was a Reagan Administration appointee who was frequently accused by labor unions of "gutting" occupational health and safety enforcement. Last November Mr. Auchter tried to put into effect the 0.5-fiber standard as an emergency regulation, but the asbestos industry sued immediately to block it.

The emergency regulation was overturned on March 7 by the United States Court of Appeals for the Fifth Circuit. The court questioned the Government's data submitted to back up its claim.

Asked today for his view of the safety agency's new proposal for a permanent standard as low as 0.2 fibers a cubic centimeter, B. J. Pigg, the head of the Asbestos Information Association, the industry group which sued to block the emergency rule, said: "We have no plans for further litigation."

'Impossible to Meet'

But at the safety agency's regulatory hearing set for June 12 he said the association would oppose a standard of 0.2 fibers as "impossible to meet."

"The industry will oppose putting its people in respirators eight hours a day," Mr. Pigg said.

Respirators, or face masks containing air filters that are hot and cumbersome and are never popular with workers, are among the methods available to limit the inhalation of asbestos fibers. Other methods include forced ventilation and limiting the time spent in the work place.

More than a score of unions belonging to the American Federation of Labor and Congress of Industrial Organizations have pressed OSHA to lower the asbestos standard to 0.1 fibers a cubic centimeter. Kevin Foley, assistant director for health and safety of the federation's building trades department, said, "We would be very happy with the level of 0.2 fibers, but we are still saying we want 0.1."

He cited studies by the Federal safety agency that showed that even at the 0.1-fiber exposure level there would be three excess cancer deaths for 1,000 workers.

Rise in Pressure for Revision

Pressures to revise the asbestos exposure standard began to rise in the 1970's when thousands of World War II shipyard workers or their survivors successfully brought suits against Johns-Manville Inc., a major asbestos supplier, for long-delayed occupational illnesses and cancer deaths. The parent concern, the Manville Corporation, went into bankruptcy to avoid the full brunt of hundreds of millions of dollars in damage claims.

Federal studies of the asbestos work force, however, have found that thousands of other groups of workers were even more highly exposed. According to the safety agency, those most at risk, that is exposed to as many as 20 fibers of asbestos a cubic centimeter of air, are 13,000 building demolition and dry-wall removal workers.