PLAINTIFF'S EXHIBIT

SWB-45

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March 29, 1983

Mr. Darrell Mattheis
Organization Resources Counselors, Inc.
1625 I Street, N. W.
Washington, DC 20006

Dear Darrell:

Attached are the rationale statements for sections (d) and (h) of the Draft Standard for revision of 1910.1001.

I am looking forward to the next meeting on April 11 and 12.

Very truly yours,

James M. Degen
District Manager - Occupational
and Environmental Safety

Attachment

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(d) Compliance Program

A written compliance program to reduce employee exposures to levels at or below both the PEL and the ceiling level is an integral part of any overall asbestos control program. The written program must be individually structured to address the specific problems, sources of exposure and unique circumstances that characterize each employer's particular situation.

The wording proposed in section (d) is performance oriented to allow employers sufficient flexibility to adapt compliance programs for their specific work places that are effective, practical and cost-efficient. The important measure of the written compliance program is not length, complexity, or adherence to a mandated structure, but rather whether or not it accomplishes the desired goal; namely, reducing employee exposures to or below the PEL and the ceiling level.

There is little constructive value in requiring an employer to prepare a written compliance program if no employees are exposed to airborne asbestos fibers at levels above the action level. The action level, even though below the PEL, was chosen as the trigger mechanism for a written compliance program for several reasons:

- While the action level is below the PEL, both the action level and the PEL are 8 hr TWA levels and do not guarantee that the ceiling level is not exceeded.
- Monitoring results are subject to variability in actual exposure from day to day as well as errors in sample analysis.
- The action level is a recognized benchmark for other provisions of the asbestos standard; introduction of a separate benchmark to trigger a written compliance program would only add needless complexity to the standard.

(h) Hygiene Facilities and Practices

The use of personal protective equipment and clothing will not achieve maximum protection for employees unless supplemented with facilities and practices for personal hygiene. The requirements of section (h) provide the basis for achieving this protection while still allowing the employer sufficient flexibility to adapt the basic requirements to individual facilities.

Change areas should be provided for the removal of protective equipment and clothing at fixed work locations. It is both practical and good hygiene practice to require change areas at these fixed locations. The basic object of the change area requirement is to minimize contamination of nonasbestos work areas or other facilities used by employees. In the case of nonfixed work areas, or mobile employees and crews, fixed change areas such as locker rooms are not only impractical, but may defeat their intended purpose if employees have to travel any distance in their contaminated clothing. In cases such as these, a more practical solution is to remove protective clothing such as coveralls at the completion of the task that required the use of the protective clothing. The contaminated clothing can then be placed in appropriate containers either for reuse, laundering, or disposal. This approach will minimize contamination of public areas or vehicles in the case of mobile work forces.

The requirement for washing facilities provides those elements that are necessary for employee protection whenever employees are required to use respirators or wear protective clothing. The essential element is that employees wash all exposed areas. The small incremental gain in protection that may be afforded by requiring shower facilities and mandatory taking of showers would be negligible at best.

The requirement for storage of clothing is flexible in that it does not mandate one method over another. The basic goal is to prevent contamination of street clothing and clothing which may be worn by another employee. This requirement may be satisfied by provision of special lockers or special containers.

The requirements for laundering are straightforward and intended to provide protection for fellow employees, laundry personnel and the general public. The requirements do not preclude the use of disposable protective clothing, provided that such contaminated clothing is placed in sealed containers and appropriately labeled prior to disposal.

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OCCUPATIONAL SAFETY & HEALTH REPORTER

A weekly review of occupational safety and health developments

Volume 13, Number 3 THE BUREAU OF NATIONAL AFFAIRS, INC. June 16, 1983

Asbestos

ORC RECOMMENDS LOWER EXPOSURE LEVEL, EMPHASIZES NEED FOR EMPLOYEE TRAINING

The Occupational Safety and Health Administration's current permissible exposure limit for asbestos of two fibers per cubic centimeter should be revised downward to a level "not to exceed 0.5 fibers per cubic centimeter" as an eight hour time-weighted average airborne concentration, according to Organization Resources Counselors, Inc.

In a June 6 statement to the agency, the organization maintained that the present exposure level is "inadequate to protect workers," and needs to be promptly reconsidered by the agency "in accordance with current state-of-the-art knowledge of the risk associated with exposure to asbestos." The industry group noted that its recommended limit takes into consideration "the difficult problems associated with the monitoring, collection, and analysis of airborne levels of asbestos," and cautioned that there is "no safe threshold for exposure to asbestos fibers that can be proven by modern science."

In April, OSHA announced that it will accelerate rulemaking on a 1975 agency proposal to lower the current exposure limit from two fibers to one-half fiber per cubic centimeter and expects to issue a public notice this summer, followed by hearings and a final rule by this fall (Current Report, April 14, p. 955).

According to ORC, general industry should be given a year from the effective date of a final standard to achieve compliance, while asbestos producing and manufacturing industries should be required to reduce "permissible exposure limits to one fiber per cubic centimeter within one year and to 0.5 fibers per cubic centimeter within four years."

Specific Provisions

ORC restricted its definition of asbestos to the six minerals that are exploited commercially, including chrysotile, grunerite, riebeckite, anthophyllite, tremolite, and actinolite. As defined by ORC, an asbestos fiber has "a length greater than five micrometers, a length to diameter ratio of at least five to one and a maximum diameter of three micrometers."

In its report, the group noted that there is a "growing collection of work documenting the relation between fiber length, and retention in the lung and carcinogenesis." Recent studies have indicated that longer fibers are retained in the lungs "in numbers out of proportion to their numbers in the environment," and consequently, if these studies are valid, "it casts doubt on the wisdom of continuing to regard all asbestos fibers as equal."

However, ORC went on to note that "it still cannot be said with certainty that short fibers do not cause fibrosis or cancer" and thus "it can only be said that there is considerable evidence that fibers longer than five microns cause significantly more problems in human and animal lungs."

In its recommended standard, the group urged that OSHA "give serious consideration to eliminating any uses" of crocidolite asbestos because of the high degree of risk associated with exposure and also because its use "is small, substitutes are available, and the number of workers exposed is small."

The ORC proposal emphasized the need for inclusion of requirements for employee training in a standard, particularly for "all employees who have exposures above the action level, since these will be the persons most directly involved with asbestos." The program should be in writing, should be worded in performance language, and should require refresher training, the group stated.

Methods of compliance, housekeeping, medical surveillance, hygiene facilities and practices, protective clothing, and employee notification also were reviewed in the organization's proposal to OSHA.

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