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Emergency Rule on Exposure to Asbestos Is Under Serious Consideration by OSHA

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WASHINGTON—The Labor Department is seriously considering whether to immediately place tougher limits on occupational exposure to asbestos, which has been linked to fatal diseases.

If action is taken, the department's Occupational Safety and Health Administration would issue an emergency temporary standard, a radical and rarely used step. The temporary rule, sought by 14 unions, would remain in effect for six months while the job-safety agency decides whether to make the tougher standard permanent.

Being considered is a maximum workplace exposure limit for asbestos of 500,000 fibers per cubic meter of air. The current level, set in 1972, is two million fibers per cubic meter.

Labor Secretary Raymond Donovan could approve the move as soon as Monday, when he confers with OSHA chief Thorne Auchter. A briefing paper Mr. Auchter will present "has a tone to it that we should do an emergency temporary standard," one OSHA official aid. "It looks to me" like Mr. Auchter will urge Mr. Donovan to approve the emergency standard, the official added. "We didn't take up the task on this. We were told to do it" by senior agency officials.

A spokesman for Mr. Auchter insisted that a decision hasn't been made on whether to issue an emergency standard. But the spokesman evaded repeated questions on whether Mr. Auchter believes there is a need for such a ruling.

Rule-Making Procedures

In June, OSHA scientists said they intended to hasten rule-making procedures to impose a permanent stricter asbestos standard. The agency altered plans to revise the standard by September 1985 and hinted that a new rule might take effect as soon as late fall.

An emergency temporary standard would be a significant departure from Reagan administration policy. Mr. Auchter has strenuously opposed altering standards without a formal rule-making procedure, although unions and health groups have asked him to impose emergency standards on four other harmful substances.

Part of the OSHA chief's reluctance stems from the agency's poor track record with emergency rulings. Industry groups have sued OSHA over five of the eight emergency standards issued since the agency's inception in 1971. Only one of those five rulings has been fully upheld by the courts, a standard limiting exposure to acrylonitrile, a chemical that is widely used in the manufacture of synthetic rubber, plastics and other products and that is linked to cancer.

Asbestos makers aren't likely to challenge an emergency standard that cuts exposure levels to 500,000 fibers per cubic meter of air. "In virtually all of our operations we meet" that level now, said an official of Manville Corp., a Denver-based maker of building materials and other products. Most other big makers of asbestos also already meet the lower level, he added. But there may be some grumbling by smaller concerns, he suggested, over whether OSHA is "doing it for safety reasons and not political reasons."

(Manville itself announced recently that it was getting out of the asbestos business. And in August 1982, it filed for protection under Chapter 11 of the Bankruptcy Laws because of damages already awarded under numerous asbestos-related lawsuits.)

An emergency temporary standard would reflect both safety and political considerations. New scientific evidence links exposure at low levels to asbestosis, a lung disease, and mesothelioma, a cancer of the lining of the lungs. An OSHA analysis, published earlier this month, estimated that three of 1,000 workers exposed at the current asbestos limit for only a year subsequently would die from that exposure.

'Grave Danger'

"The risks even at the existing standard are pretty high," observed the OSHA official. "When you talk about grave danger"—the scientific criterion for an emergency standard—"you look at whether the risk we now have is very grave," he said.

Politically, the Reagan administration could gain some mileage with unions by issuing an emergency asbestos ruling. Labor leaders have been sharply critical of administration officials' past efforts to weaken existing OSHA standards and to reduce the scope of enforcement. In recent months, however, the agency and the AFL-CIO have joined on several occasions to fight White House Budget Office efforts to block OSHA regulatory moves.

"It's 1983 and (election year) ain't too far away," said an occupational-health specialist for one major union. OSHA officials "are trying to look like they have a better position on worker protection." An emergency temporary standard "strategically isn't a bad move."

But the action wouldn't mollify all OSHA's past labor critics. Led by the Machinists, the 14 unions that petitioned for the emergency ruling proposed reducing the asbestos limit to 100,000 fibers per cubic meter of air. "We want something better than they already are achieving," said Sheldon Samuels, health, safety and environment director for the AFL-CIO's industrial union department. Mr. Samuels also expressed doubts that OSHA would conduct more workplace inspections under a toughened asbestos rule.

OSHA has estimated that 1.4 million workers have been exposed to asbestos, once used widely in producing ships, floor tiles, brake linings and roof coatings. In 1975, OSHA suggested lowering the asbestos standard to 500,000 fibers per cubic meter of air, but it never held hearings or took any other action on the proposal.