



Cyprus Industrial Minerals Company

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PLAINTIFF'S
EXHIBIT
CAM-285

July 26, 1984

Mr. Thomas P. Hall
OSHA Division of Consumer Affairs
Docket No. H-033C, Room N-3662
U.S. Department of Labor
3rd Street & Constitution Avenue
Northwest Washington D.C. 20210

Dear Mr. Hall:

Below are late comments as they pertain to the Department of Labor Occupational Safety and Health Administration's proposed 29CFR Part 1910 1001, Occupational Exposure to Asbestos. OSHA is commended for its attempt to provide needed regulatory reform. However, Cyprus Industrial Minerals feels that this proposed rule is in need of changes outlined herein. For the purposes of this discussion, asbestos is defined as the six currently regulated minerals, regardless of form.

The proposed standard as written permits ambiguities to exist with respect to non-asbestos containing talc and asbestos. For this reason, we specifically request that:

1. Bulk materials containing only small, trace amounts of asbestos be exempt from the standard.
2. State-of-the-art analytical protocols (such as that used by the Mine Safety Health Administration) be employed to distinguish asbestos from non-asbestos if screening analytical techniques (light phase - contrast methods) show positive counts.
3. Arbitrary distinctions such as fibrous and nonfibrous asbestos be avoided/omitted since they are problematic in interpretation and their delineation lacks scientific health support.

Rationale - Point 1

Talc and asbestos are mineralogically similar and may be found in the same orebody. The concentration of asbestos can range from over 50% to less than 0.2% by weight. We agree that air monitoring is the ideal determinant for asbestos. However, for materials low in asbestos content (i.e., less than 1%), the applicability of the standard would be questioned. The Environmental Protection Agency has also recognized this problem in the past and set a lower limit of detection at 1% by weight in 40 CFR 61,141. Therefore, we request

that the phrase " . . . and every product containing any of these minerals" not be added to the definition of asbestos unless a test procedure with a lower limit of detection is provided to exempt from regulation materials with trace amounts of asbestos. Otherwise, many mineral products would be unnecessarily regulated due to naturally occurring trace amounts of fiber.

In the event OSHA opts for the lower limit of detection concept, we offer a time proven analytical standard adopted by consensus groups and talc trade association with a lower limit of detection of 0.5% by weight. The Cosmetic, Toiletries and Fragrances Association issued in 1976, CTFA J4-1 (see Attachment A) which determines asbestiform amphibole minerals in cosmetic talc using an x-ray diffraction method with optical microscopy and dispersion staining.

We request that either the CTFA method or a method equivalent in accuracy and sensitivity to the CTFA be used as a determinant of asbestos containing material if the phrase " . . . and every product containing any of these minerals" is maintained.

Rationale - Point 2

The other issue we would like to cover is the definition of asbestos and its analytical determination. The phase contrast method of asbestos analysis suggested by OSHA is inadequate for asbestos analysis in mining and milling operations, particularly in talc. This is clearly stated in the ASTM D-4240 and AIA phase contract methods. It is recommended that polarized light microscope be used as a screening method for work place atmospheres where mineral dusts of unknown composition exist, or where the asbestos content is only suspect or in trace quantities. If asbestos is found with an aspect ratio of at least 3 to 1 (or whatever aspect ratio is agreed on), then the sample shall be further analyzed using an analytical procedure equivalent to that presently used by the Mine Safety and Health Administration. It is only by this method that the mineral particulates can be appropriately identified.

Rationale - Point 3

Unless a similar or the aforementioned analytical technique is adopted, there can be significant misinterpretation of particles. Cyprus Industrial Minerals Company is particularly concerned that OSHA will adopt a definition for asbestos that is not truly reflective of potential health hazards of asbestos fibers. We and our mineralogists agree that there are two forms of each mineralogical asbestos type. However, we do not have knowledge of peer-reviewed scientific literature to suggest on the basis of this distinction one form significantly is more or less of a health concern than the other.

We in no way want to jeopardize or take a step back from a health conservative posture. That is why we strongly urge OSHA to adopt the

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position that any fiber identified as asbestos regardless of its mineralogical form be further analyzed under the MSHA technique and counted as an asbestos fiber.

We appreciate the opportunity to comment on the proposed standard.

Sincerely,

K. F. Julin
President, Cyprus Industrial Minerals Company

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