FILE NAME: Asbestos Information Association (AIA)

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DOCUMENT DESCRIPTION: Memo from J.G. Hall RE AIA Revised Standards

MEMO TO FILE

Re: Asbestos Information Association - Revised Standards

Tom Dougherty, President of the AIA called to report on a meeting he had on Wednesday, Oct. 15th, with Dr. Dan Boyd and Dr. Dwung Kwon in Washington. Boyd is Director of the Standard Development Division of OSHA and Kwon is Senior Project Manager-Toxicology, at OSHA. These two men wrote the proposed revised standards and developed them with the help of the AIA. The standards they wrote recommended two fibres and other minor changes from the standard presently in effect. They were as shocked as we were to see the standards returned at one-half fibre!

Boyd and Kwon told Dougherty that there was presently tremendous dissension in OSHA over the new proposed standards. Kwon is particulary disturbed and doesn't approve of the action that was taken in any way. They both placed the blame for this new standard entirely on Marshall Miller, Deputy Administrator for OSHA. They say that he personally contacted Selikoff and Shelly Samuels and the three gentlemen prevailed upon Dunlop to sign the standards that were published.

Both Boyd and Kwon are determined to have this proposed standard defeated and have made a number of suggestions which the AIA and the industry should be aware of and be guided by as we prepare our case and our posture for the forthcoming hearing. They suggest that we analyze and review all of the literature referenced in the new regulations and pick out all areas where unscientific and erroneous statements were referred to. The Association has assigned Dr. Hans Weill, their medical consultant, the task of doing this and of putting together a medical panel charged with the responsibility of developing medical information which the Association can utilize.

Boyd and Kwon stated that there is no way that anyone can prove that two fibres is safe --- and there's also no way anyone can prove that a half fibre is safe. Any regulation must be shown to be not only scientifically justified but must also be shown to be technologically and economically feasible. Kwon strongly suggests that we get to John Dunlop in some way and show him a well documented economic impact of a half fibre level. He suggests this because Dunlop is economically oriented and does not want to approve any standard that would have a disastrous economic impact on the economy.

Kwon has asked eight (8) contractors to bid on a Government Economic Impact Study. The successful bidder will be given four (4) months to conduct the study. The completed study must be published thirty (30) days prior to a public hearing date. It would, therefore, appear that a public hearing is at least six (6) months away.

Kwon stated he felt there was a good chance that the AIA would be granted a 90-day extension on the Dec. 8th date which was the time when all interested parties were to present their replies and responses to the revised standard.

Kwon emphasized that it was very important that industry cooperate with the contractor assigned to make the Government Economic Impact Study and that we should divulge to this contractor what each of us has already accomplished by way of reducing asbestos fibres in ambient air; what we have spent to accomplish this; what the effects have been on our operating costs, etc.,etc. He warns that if industry does not cooperate with this contractor, they will in all probability report unreliable data to OSHA with obvious disastrous results to the industry.

Kwon also warned Dougherty not to make the mistake the VCM people made. Kwon stated that they destroyed their creditability by making unreasonable demands in their presentation to OSHA, i.e., they asked for a reduction to 50 parts per million when OSHA had verified factually that some producers were far below this level. The industry also made contradictory statements, some said they could live with one part per million and others said that the industry could not live with one part per million, etc. Kwon went on to say that our creditability would be destroyed if we, as an industry, stated that we must have five (5) fibres as a standard when he knows that many of us have reached the 2-fibre standard. Kwon recommends we state that we can reach two fibres and that we, as an industry, would like to review this standard in two to three years to see if it was not possible for us to do better.

Dougherty got the feeling that Miller is thoroughly disliked by the staff at OSHA. They look forward to the day when he will leave and Morton Corn will replace him as the permanent Deputy Secretary for OSHA. Corn, apparently, is a sound, scientific man and when he is given the authority, he can and will override Miller if Miller is still around.

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Dan Boyd has submitted his resignation from OSHA effective December 15th. He will return to his consulting business which he placed in receivership when he accepted his present position in OSHA.

Dougherty also met with Roy Steinforth, an international labor representative. They discussed the impact these regulations might very well have on labor. Dougherty told me that labor was keenly interested in working for a fair standard. Steinforth is willing to arrange a meeting between the AIA and other international labor leaders. At such a meeting, we would hope to convince them not to take an adversary position to a reasonable standard and failing this, hopefully prevent Samuels from appearing at the hearing. He would, unquestionably, be a vociferous adversary to industry.

J. G. Hall
Oct. 17, 1975

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