



A/C Pipe
Producers Association

H.A. Verplagh
Internal Correspondence

TO: Board of Directors
International Affairs Committee

FROM: *J.F. Welch*
J.F. Welch, Vice President

DATE June 17, 1983

PLAINTIFF'S
EXHIBIT

JMMC-8

SUBJECT: Occupational Safety and Health Administration (OSHA) - Exposure Standard for Asbestos

REF: (1) JFW correspondence, same title, April 20, 1983
(2) JFW correspondence, Occupational Safety and Health Administration (OSHA) - Preliminary Risk Assessment for Asbestos, March 21, 1983

ACTION REQUIRED: Review for information

Current Status

Since the issuance of Reference 1, there have been a number of new developments. Firstly, Kirkland & Ellis (K&E) prepared a letter, sent by AIA/NA, recommending that OSHA conduct a "comprehensive review" of medical, monitoring and technological feasibility data compiled since the last revision of the asbestos exposure standard. Further, K&E recommended several scientific authorities that it felt should participate in interpreting the medical evidence attendant to the rulemaking proceeding.

The most significant development is the transmittal to OSHA of a recommended revision to the asbestos exposure standard. This was prepared by Organization Resources Counselors (ORC), a Washington "think tank" comprised of representatives from large U.S. manufacturing industries e.g., DuPont, General Motors, Exxon, etc. Although an ORC Task Force apparently assisted in preparation of the recommendations, the document represents "the opinions of ORC (staff) only." The recommended revisions are as follows:

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* 1. The 8 hour time weighted average (TWA) exposure to all asbestos fibers should be 0.5 f/cc. of air; the ceiling exposure level should be 1.0 f/cc.
2. Use of crocidolite asbestos should be prohibited "because of overwhelming evidence of the risk that it presents to those who are exposed to it." This recommendation appears in "Discussion of the ORC Recommended Revision," not in the Recommended Revision.
3. For "general industry," compliance with the revised standards should be achieved over a period of twelve months from the effective date of the standard.
- * 4. For asbestos producing or manufacturing industries, the permissible exposure limit should be reduced to (a) a standard of 1 f/cc. (TWA) within one year from effective date, (b) a standard of 0.5 f/cc. (TWA) within 4 years of effective date of the standard.

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As part of its "think tank" status, ORC seeks to be on the leading edge of controversial issues, particularly in occupational safety and health and environmental matters. Thus, the rationale for ORC action is probably rooted in the belief that OSHA has been exceedingly slow in issuing new or revised health standards and needs some prodding to correct this situation. It is possible that ORC believes that action on the asbestos standard may divert attention from other standards more important to their members, or that activity on the asbestos standard may minimize the regulatory backlash that is beginning to emerge, for example, from the Environmental Protection Agency. It is understood that the Raymark Corporation, formerly Raybestos - Manhattan, participated on the ORC Task Force along with a major asbestos (brake lining) user, General Motors Corporation. The latter organization has disassociated itself from the recommendation.

Staff Analysis

There is little doubt that this action will draw more attention to and provide additional impetus for an accelerated asbestos rulemaking. It is possible, indeed likely, that OSHA will cite the ORC recommendation in its justification for lowering the asbestos exposure standard. For the A/C pipe industry, the recommendation to ban crocidolite is nothing short of disastrous. Although preliminary indications from OSHA are that it does not wish to differentiate the carcinogenicity and exposure standards for various fiber types, it cannot be said with any confidence that it will not do so, particularly when most industrialized countries do have more stringent exposure standards for crocidolite.

Staff is preparing a recommended action plan for A/C pipe industry participation in these rulemaking proceedings. If you have any questions in the interim, please do not hesitate to call.

cc: A. Kahn, Esq.
Dick Wareham

copies to: Board of Directors

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