

Interoffice Memorandum

PLAINTIFF'S
EXHIBIT
CEL-857

TO (Name and Location) * See Below

DATE July 7,

FROM (Name and Location) G. S. Kirshenbaum

REFERENCE NO. GSK-86-383

* C. DeRose
E. Thomas
G. Ille

* R. Hillbrich
P. Demma
J. Conway
D. McNally

Subject: NEW ASBESTOS REGULATIONS BY OSHA

We have previously commented about the EPA's proposed rule to phase out the use of asbestos. Now another regulatory agency, OSHA has established new standards. These standards will take affect July 21, 1986. They primarily involve worker exposure and labeling. (The summary of the Ruling and key pages are attached.)

1. Permissible Exposure Limit (PEL)

The new PEL has been reduced by a factor of ten to 0.2 fibers/cc of air as an 8-hour time weighted average. There is also an "action level" of 0.1 fibers/cc above which employers must initiate certain compliance activities such as employee training and medical surveillance. There is no STEL (short term exposure level), but OSHA is being taken to court by some unions to establish one.

2. Signs (see page 22698 attached)

The final rule for asbestos requires that legible caution signs be posted at each regulated area where occupational exposures could exceed the PEL. Signs must also be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers. These signs are to bear the following information:

DANGER - ASBESTOS: CANCER AND LUNG DISEASE HAZARD;
AUTHORIZED PERSONNEL ONLY; RESPIRATORS AND
PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA.

3. Labeling (see page 22699 attached)

The standard also requires that all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or their containers, be labeled with the appropriate information:

DANGER - CONTAINS ASBESTOS FIBERS; AVOID CREATING
DUST; CANCER AND LUNG DISEASE HAZARD.

The standard allows 2 exemptions from labeling:

- 1) If asbestos is present in a product at less than 0.1%.
- 2) If the fibers have been modified by a bonding agent, coating, binder, etc. so that the manufacturer can show that asbestos fibers will not be released above the action level.

The Celanese study from 1979 clearly shows that we meet the second exemption, and therefore, we do not have to immediately start the labeling under the new OSHA rule.

Therefore, the two obvious issues raised by this new standard are:

1. What is the effect of this new PEL, Action Limit, and signs on Bishop operations. (C. DeRose and his staff to review compliance prior to effective date.)
2. What will be EPA's timetable for issuing its asbestos phase out ruling. There is considerable pressure on the EPA, now that OSHA has taken its action, to accelerate its rule making process.

G. S. Kirshenbaum

G. S. Kirshenbaum

GSK/et
Attachments

cc: R. Brandt
J. Downard
T. Bohrer
D. Gordon
J. Dresch
E. Hilker

cc: M. Wilson
A. Pantaleoni
V. Parrillo
R. Ramirez
P. Cerria
D. Johnson
K. Weiner

009779