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Burk cautioned that operating procedures, in and of themselves, are not enough to maintain a safe operation. When combined with training, however, operating procedures become an "extremely powerful tool in achieving a safe operation," he said.

Benzene

822 EXCESS DEATHS MAY BE ELIMINATED BY PROPOSED BENZENE RULE, OSHA SAYS

The Occupational Safety and Health Administration's proposed benzene standard would eliminate 822 excess worker deaths resulting from exposure to the substance over a working lifetime, according to the agency's preliminary regulatory impact and regulatory flexibility analysis of the proposed standard.

Preliminary findings of the agency also indicated that compliance with the proposed rule would be technologically and economically feasible.

The agency proposed in December to reduce the current permissible exposure limit from 10 parts per million to one ppm as an eight-hour time-weighted average (Current Report, Dec. 5, 1985, p. 555). The proposal also contained provisions supporting the use of engineering controls over respiratory protection as well as requiring medical surveillance for employees exposed to benzene at or above the action level for 30 or more days per year, at or above one ppm for 10 or more days per year, or above 10 ppm for 30 or more days per year in the year prior to the effective date of the standard. In addition, the standard would require medical examinations to be provided to employees exposed to an emergency situation.

Because substantial new information has been received indicating a "clear association" between benzene exposure and leukemia, the agency's analysis stated, the major provisions of OSHA's proposal are designed to reduce the incidence of leukemia, aplastic anemia, and other harmful health effects resulting from occupational exposure to benzene.

The analysis was conducted under provisions of Executive Order 12291, which requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, individual industries, geographical regions, or levels of government. The Regulatory Flexibility Act also requires that OSHA consider the impact of the proposed regulation on small entities.

Controls 'Readily Available'

Compliance with the proposed one ppm PEL is technologically feasible, the agency stated, through installation of "readily available" engineering controls and incorporation of some new work practices. While some industry sectors would be able to comply with a 0.5 ppm PEL, OSHA noted that it was uncertain about the degree to which all industry sectors, particularly producers of pure benzene, would be able to maintain that level on a regular basis without a major restructuring of existing facilities.

The tenfold reduction of the permissible exposure level, in conjunction with medical surveillance, would incur compliance costs of approximately \$29 million while saving an estimated 822 workers' lives over the next 50 years due to the reduced incidence of leukemia and aplastic anemia, OSHA projected.

According to agency estimates, approximately 270,000 workers are exposed to benzene in seven major industry classifications under OSHA jurisdiction. Manufacturing pro-

cesses in three of those industries — benzene-producing sectors of petrochemicals, petroleum refining, and coke and coal chemical manufacturing — are highly automated or performed infrequently, the agency said, with employee exposure likely to occur to unit operators, tankcar loaders and unloaders, quality control laboratory technicians, and maintenance personnel.

Benzene exposures in rubber tire manufacturing occur as a result of benzene-contaminated solvents, the agency continued, affecting tire builders; workers responsible for storing, mixing, loading, and unloading solvents; laboratory technicians; and maintenance and supervisory personnel.

Employees in the remaining industries — bulk terminals, bulk plants, and transportation — are exposed primarily through loading and unloading benzene and benzene-containing materials, OSHA said. While exposures are highest during the transfer of materials, according to the agency, transfer operations may not occur daily.

Firms that use solvents contaminated with benzene will be able to switch to solvents with very low concentrations of benzene, OSHA suggested.

The major benefit of the proposed standard, according to the agency, would be the reduction in the occurrence of occupational illness, specifically leukemia and aplastic anemia. The agency said it was unable to quantify the reduction in other adverse health effects, such as chromosomal damage, cancers other than leukemia, and blood disorders other than aplastic anemia, because of data limitations.

Reduction of the PEL to one ppm would eliminate 811 excess deaths over a working lifetime, OSHA estimated. In addition, the agency said, the imposition of medical surveillance requirements, which would be able to detect blood abnormalities at an early stage, will save an additional 10 to 20 lives over a working lifetime. "Better control of the benzene exposures of these workers would, at least in some cases, provide an opportunity to reverse the abnormalities prior to the development of fatal or often fatal diseases," the analysis stated.

The preliminary analysis further determined that the proposed standard is economically feasible and will not affect significantly either the competitive structure or the long-term profitability of industry sectors or small entities.

There are no non-regulatory alternatives that adequately protect most workers from the adverse health effects associated with benzene exposure, the analysis stated.

Asbestos

FEDERAL JUDGE ORDERS MANVILLE TO COOPERATE IN DISCOVERY PHASE OF ASBESTOS LAWSUIT

A federal district judge in New Jersey Feb. 13 ordered the Manville Corporation, formerly known as Johns-Manville, to furnish discovery in a multi-defendant asbestos suit, and threatened its representatives with incarceration if the company "continues to resist discovery."

In the order issued in *Bialy v. Johns-Manville, et al.* (No. 79-1336), Judge H. Lee Sarokin announced that "whether or not discovery in this case is now convenient or efficient for Johns-Manville is no longer of interest to this court." The order stated that Manville's "need to coordinate discovery in other matters will no longer suffice as a valid excuse for not affording immediate discovery in this matter."

The ruling came a day before Manville submitted a reorganization plan to a U.S. court in New York in a proceeding stemming from its 1982 filing for bankruptcy in the face of mounting asbestos claims (see related article in this issue).

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