



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

4.8.1

Ben
C-2

WKC
C File

8 December 1977

MEMORANDUM FOR:

MEMBERS

SUBJECT:

Report of State Initiatives for Asbestos
Regulation as of December 1, 1977

Since passage of the Occupational Safety and Health Act of 1970 (OSH Act) and the Clean Air Act of 1970 with their implementing Occupational Exposure to Asbestos Standard and National Emissions Standards for Hazardous Air Pollutants (NESHAPS), respectively, several states have exercised their prerogative to develop legislation and regulations regarding the use of asbestos.

Under the OSH Act, states may develop and conduct occupational safety and health regulatory programs. A state plan must be submitted to and approved by federal OSHA in order to have power of enforcement. If the plan is approved, both the state and federal government exercise authority over the plan. The plan is certified when federal OSHA determines that the state is competent to enforce its plan, which must be at least as effective as or identical to federal regulations. The state is then responsible for implementing and enforcing occupational safety and health activities. Certified state plans are subject to federal OSHA evaluation semi-annually. Due to the failure of state legislatures to pass enabling legislation or because a state may have decided the costs involved in implementation were not acceptable, some states have withdrawn their proposed plans, thus returning to federal jurisdiction for occupational safety and health matters.

Attachment I identifies the status of each state's occupational safety and health and air pollution program. Attachment II summarizes state and certain municipal actions and/or proposed actions with regard to use of asbestos. An asterisk (*) is used to indicate that additional information is provided in Attachment II.

Documents cited in this report are on file in the AIA/NA office and are available on request.

- 2 -

While a concerted effort has been made to provide as complete information as possible in this report, it is acknowledged that omissions may exist. Information now known or that which may become known, pertinent to this report, is solicited. It is planned to update this report when and as appropriate.


R. H. Mereness
Executive Director

Attachments I - Status of each state's Occupational Safety
and Health and Air Pollution Program
II - Summary of State and Certain Municipal
Actions Regarding Use of Asbestos

cc: Distribution A

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NECHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
ALABAMA	Submitted Under review	Howard E. Hendrix, Director Alabama State Dept. of Labor 600 Administration Bldg. 64 N. Union Street Montgomery, Ala. 36104 (205) 269-6211	State plan State enforcement	Alabama Air Pollution Control Commission 645 S. McDonough St. Montgomery, Ala. 36104 (205) 269-7841
ALASKA	Certified	E. Orbeck, Commissioner Alaska Dept. of Labor P.O. Box 1149 Juneau, Alaska 99801 (907) 465-2700	No plan Federal enforcement	Dept. of Environmental Conservation 419 Sixth St. Juneau, Alaska 99801 (907) 586-6721
ARIZONA	Approved Certification pending	Donald G. Wiseman, Director Occupational Safety & Health Division Industrial Commission of Arizona P.O. Box 19070 Phoenix, Ariz. 85005 (602) 271-5795	State plan State enforcement	Bureau of Air Pollution Control 1740 West Adams Street Phoenix, Ariz. 85007 (602) 271-5306
ARKANSAS	Submitted Under review	Charles L. Daniels, Director Dept. of Labor Capitol Hill Building Little Rock, Ark. 72201 (501) 371-1401	No plan Federal enforcement	
CALIFORNIA *	Certified	Donald Vial, Director Dept. of Industrial Relations 455 Golden Gate Avenue San Francisco, California 94102 (916) 445-1935	See note	

ATTACHMENT I

* - See Attachment II

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
COLORADO	Approved	Robert J. Ore, Exec. Director Dept. of Labor & Employment 251 East Ninth Ave. Denver, Colorado 80203 (303) 892-9911	State plan State enforcement	Air Pollution Control Division Dept. of Health 4201 East 11th Ave. Denver, Colo. 80220 (303) 388-6111
CONNECTICUT *	Withdrawn	Frank Santaguida, Commissioner Connecticut Dept. of Labor 200 Folly Brook Blvd. Wethersfield, Conn. 06109 (203) 566-5123	State plan State enforcement	Dept. of Environmental Protection 165 Capitol Ave. Hartford, Conn. 06106 (203) 566-4030
DELAWARE	Submitted Under review	J. Thomas Schranck, Director Dept. of Labor 801 West Street Wilmington, Del. 16899 (302) 571-2710	No plan Federal enforcement	Division of Environmental Control Tatnall Building Capitol Complex Dover, Del. 19901 (302) 678-4761
FLORIDA	Submitted Under review	Andrew J. Mulligan, III, Director Division of Labor Ashley Bldg., Room 201 1321 Executive Center Dr., East Tallahassee, Fla. 32301 (904) 599-8211	No plan Federal enforcement	Dept. of Pollution Control 2562 Executive Center Circle Tallahassee, Fla. 32301 (904) 488-4807
GEORGIA	Withdrawn	The Governor's office	State plan State enforcement	Environmental Protection Div. Dept. of Natural Resources 47 Trinity Ave., S.W. Atlanta, Ga. 30334 (404) 656-4713

* - See Attachment II

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
HAWAII	Approved Certification pending	Joshua C. Aagsalud Dir. of Labor & Industrial Relations 825 Mililani Street Honolulu, Hawaii 96813 (808) 548-3150	No plan Federal enforcement	State Dept. of Health 1250 Punchbowl St. Honolulu, Hi. 96813 (808) 548-6455
IDAHO	Submitted Under review	Bartlett R. Brown Dept. of Labor Industrial Administration Bldg. 317 Main Street Boise, Idaho 83702 (208) 384-2327	No plan Federal enforcement	Dept. of Health & Welfare Statehouse Boise, Idaho 83720 (208) 384-2390
ILLINOIS	Withdrawn plan	Dept. of Labor 910 S. Michigan Ave. Chicago, Ill. 60605 (312) 793-2800 OR Illinois Industrial Comm. 160 N. LaSalle St. Chicago, Ill. 60601 (312) 793-3333	No plan Federal enforcement	Division of Air Pollution Control 2200 Churchill Road Springfield, Ill. 62704 (217) 782-7326
INDIANA	Approved Certification pending	William Ianami Indiana Division of Labor 1013 State Office Bldg. Indianapolis, Ind. 46204 (317) 633-4473	State plan State enforcement	Indiana State Board of Health 1330 W. Michigan St. Indianapolis, Ind. 46206 (317) 633-4273
IOWA *	Certified	Allen J. Meier Bureau of Labor East 7th and Court Ave. Des Moines, Iowa 50319	No plan Federal enforcement	Iowa Dept. of Environmental Quality 3920 Delaware Ave. P.O. Box 3326 Des Moines, Iowa 50316 (515) 265-8134

* - See Attachment II

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
KANSAS *	None submitted	James McCain Kansas Bureau of Labor 401 Topeka Avenue Topeka, Kansas 66603 (913) 296-7474	No plan Federal enforcement	
KENTUCKY	Approved Certification pending	James R. Yocum Kentucky Dept. of Labor Capitol Plaza Towers, 12th Floor Frankfort, Ky. 40601 (502) 389-5314	State plan State enforcement	Kentucky Dept. for Natural Resources & Environmental Protection Capitol Plaza Tower Frankfort, Ky. 40601 (502) 564-3382
LOUISIANA	None submitted	Curtis C. Luttrell Dept. of Labor P.O. Box 44063 Baton Rouge, La. 70804 (504) 389-5314	No plan Federal enforcement	Louisiana Health & Human Resources Administration P.O. Box 60630 325 Loyola Ave. New Orleans, La. 70160 (504) 527-5115
MAINE	Withdrawn	Emilien Levesque Commissioner of Manpower Affairs 20 Union Street Augusta, Maine 04330	State plan State enforcement	Dept. of Environmental Protection Bureau of Air Quality Control State House Augusta, Maine 04330 (207) 289-2437
MARYLAND *	Approved Certification pending	Harvey Epstein Dept. of Licensing & Regulation Div. of Labor & Industry 203 E. Baltimore St. Baltimore, Md. 21202 (301) 383-2251	No plan Federal enforcement	Bureau of Air Quality Control 610 N. Howard St. Baltimore, Md. 21201 (301) 383-2779

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
MASSACHUSETTS	Submitted Under review	Nicholas Roussos, Commissioner Dept. of Labor & Industries 100 Cambridge St. Boston, Mass. 02202 (617) 727-3454	State plan State enforcement See note	Bureau of Air Quality Control 600 Washington St. Boston, Mass. 02111 (617) 727-2658
MICHIGAN *	Approved Certification pending	Keith Molin Michigan Dept. of Labor 309 N. Washington P.O. Box 30015 Lansing, Michigan 48909 (517) 373-9600	State plan State enforcement	Division of Air Pollution Control Steven T. Mason Bldg. Lansing, Michigan 48926 (517) 373-7573
MINNESOTA *	Certified	E.I. Malone Dept. of Labor & Industry 444 Lafayette Road St. Paul, Minn. 55101 (612) 296-2342	No plan Federal enforcement	Minnesota Pollution Control Agency 1935 W. County Rd., B-2 Roseville, Minn. 55113 (612) 296-7317
MISSISSIPPI	Withdrawn	Dr. Alton B. Cobb State Board of Health P.O. Box 1700 Jackson, Miss. 39205 (601) 354-6635	No plan Federal enforcement	Mississippi Air & Water Pollution Control Commission Robert E. Lee Bldg. Jackson, Miss. 39205 (601) 554-6783
MISSOURI *	Submitted Under review	Dale Johnston Division of Labor Standards P.O. Box 449 Jefferson City, Mo. 65101 (314) 751-3403	No plan Federal enforcement	Missouri Dept. of Natural Resources P.O. Box 176 Jefferson City, Mo. 65101 (314) 751-3252

* - See Attachment II

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
MONTANA *	Withdrawn	Bureau of Safety & Health Dept. of Labor & Industry 815 Front Street Helena, Montana 59601 (406) 449-2047	State plan State enforcement	Montana State Dept. of Health & Environmental Sciences Cogswell Bldg. Helena, Mt. 59601 (406) 449-3454
NEBRASKA	None submitted	Gerald A. Chizek Dept. of Labor State Capitol Lincoln, Neb. 68509 (402) 477-5211	No plan Federal enforcement	Division of Air Pollution Control P.O. Box 94653 State House Station Lincoln, Neb. 68509 (402) 471-2186
NEVADA	Approved Certification pending	Dept. of Occupational Safety & Health Nevada Industrial Commission 515 E. Musser St. Carson City, Nev. 89714 (702) 885-5240	See note	Dept. of Human Resources Nye Building 201 S. Fall St. Carson City, Nev. 89701 (702) 885-4750
NEW HAMPSHIRE	Withdrawn	Robert M. Duvall Dept. of Labor 1 Pillsbury St. Concord, N. H. 03301 (603) 271-3171	State plan State enforcement	New Hampshire Air Pollution Control Agency State Lab. Building Hazen Drive Concord, N. H. 03301 (603) 271-2281
NEW JERSEY *	Withdrawn	Joseph A. Hoffman Dept. of Labor & Industry P.O. Box V Trenton, N. J. 08625 (609) 292-2323	State plan State enforcement	Dept. of Environmental Protection P.O. Box 2807 Trenton, N. J. 08625 (609) 292-5450
* - See Attachment II				

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
NEW MEXICO	Approved Certification pending	Thomas E. Baca Environmental Improvement Agency P.O. Box 2348 Santa Fe, N. M. 87501 (505) 827-5273	No plan Federal enforcement	Environment Improvement Agency Air Quality Division PERA Bldg., Old Santa Fe Trail & Paseo de Peralta Santa Fe, N. M. 87503 (505) 827-2813
NEW YORK *	Withdrawn	N.Y. State Industrial Comm. Dept. of Labor State Campus, Bldg. #12 Albany, N. Y. 12240 (518) 457-3427	State plan State enforcement See note	Dept. of Environmental Conservation 50 Wolf Road Albany, N. Y. 12201 (518) 457-7231
NORTH CAROLINA *	Certified	John C. Brooks North Carolina Dept. of Labor P.O. Box 27407 11 West Edenton Street Raleigh, N. C. 27611 (919) 733-7166	State plan State enforcement	Dept. of Natural & Economic Resources P.O. Box 27687 Raleigh, N. C. 27611 (919) 829-4740
NORTH DAKOTA	Withdrawn	North Dakota Workmen's Compensation Board State Capitol Bismarck, N. D. 58501	State plan State enforcement	Dept. of Health State Capitol Bismarck, N. D. 58501 (701) 224-2372
OHIO * - See Attachment II	None submitted	Division of Occupational Safety & Health Dept. of Industrial Relations 2323 W. Fifth Ave. Columbus, Ohio 43204 (614) 466-4124	No plan Federal enforcement	Environmental Protection Agency 361 East Broad St. Columbus, Ohio 43216 (614) 469-8565

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS VESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
OKLAHOMA	Submitted Under review	Dept. of Labor State Capitol Room 5 Oklahoma City, Ok. 73105 (405) 521-2461	No plan Federal enforcement	Air Quality Service Dept. of Health Northeast 10th & Stonewall Oklahoma City, Ok 73105 (405) 271-5220
OREGON	Approved Certification pending	Roy G. Green Worker's Compensation Dept. Labor & Industries Bldg. Salem, Oregon 97310 (503) 378-3302	State plan State enforcement	Dept. of Environmental Quality 1234 S.W. Morrison St. Portland, Oregon 97205 (503) 229-5696
PENNSYLVANIA	Withdrawn	Dept. of Labor & Industry 1700 Labor & Industry Bldg. Harrisburg, Pa. 17120 (717) 787-3157	State plan State enforcement See note	Bureau of Air Quality & Noise Control 200 N. Third St. Harrisburg, Pa. 17120 (717) 787-9702
RHODE ISLAND	Submitted Under review	Division of Occupational Safety Dept. of Labor 235 Promenade St. Providence, R. I. 02903 (401) 277-2500	State plan State enforcement	Div. of Air Pollution Control 204 Health Bldg. Davis Street Providence, R. I. 02908 (401) 277-2808
SOUTH CAROLINA	Certified	S. C. Dept. of Labor 3600 Forest Drive P.O. Box 11329 Columbia, S. C. 11329 (803) 758-2851	State plan State enforcement	Dept. of Health & Environmental Control J. Marion Sims Bldg. 2600 Bull St. Columbia, S. C. 29201 (803) 758-5496

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
SOUTH DAKOTA	None submitted	Secretary of Health State Dept. of Health Office Bldg. #2 Pierre, S. D. 57501	No plan Federal enforcement	Dept. of Environmental Protection Air Quality Program Office Bldg. #2 Pierre, S. C. 57501 (605) 224-3351
TENNESSEE	Approved Certification pending	Tennessee Dept. of Public Health 344 Cordell Hull Bldg. Nashville, Tenn. 37219 (615) 741-3111	See note	Division of Air Pollution Control Dept. of Public Health 301 Seventh Ave. Rm 256 Capitol Hill Bldg. Nashville, Tenn. 37219 (615) 741-3931
TEXAS	Submitted Under review	Division of Occupational Safety & State Safety Engineer Texas Dept. of Health Resources 1100 W. 49th St. Austin, Tx. 78756 (512) 397-5721	No plan Federal enforcement	Texas Air Control Board 8520 Shoal Creek Blvd. Austin, Tx. 78758 (512) 451-5711
UTAH	Certified	Utah Industrial Commission 350 East 5th South Salt Lake City, Utah 84111 (801) 533-4000	No plan Federal enforcement	Division of Health 44 Medical Drive Salt Lake City, Utah 84113 (801) 328-6108
VERMONT	Certified	Jack R. Cherington Dept. of Labor & Industry Montpelier, Vt. 05602	State plan Federal enforcement	Agency of Environmental Conservation Air Pollution Control P.O. Box 489 Montpelier, Vt. 05602 (802) 828-3395

UCC 009273

STATE	STATUS OSH PLAN	STATE OSH OFFICE	STATUS NESHAPS PLAN	STATE AIR POLLUTION CONTROL AGENCY
VIRGINIA *	Approved Certification pending	Dept. of Labor & Industry P.O. Box 1814 Ninth St. Office Bldg. Richmond, Va. 23214 (804) 786-2376	State plan State enforcement	State Air Pollution Control Board Room 1106 Ninth St. Office Bldg. Richmond, Va. 23219 (804) 770-2378
WASHINGTON *	Approved Certification pending	Dept. of Labor & Industries General Administration Bldg., Room 344 Olympia, Wash. 98504 (206) 753-6307	State plan State enforcement	
WEST VIRGINIA	Submitted Under review	W. Virginia Dept. of Health State Capitol Charleston, W.Va. 25305 (304) 348-2971	No plan Federal enforcement	W.Va. Air Pollution Control Commission 1558 Washington St., East Charleston, W.Va. 25311 (304) 348-3286
WISCONSIN *	Withdrawn	Dept. of Industry, Labor & Human Relations 201 E. Washington Ave. P.O. Box 2209 Madison, Wi. 53701 (608) 266-7552	State plan State enforcement	Wisconsin Dept. of Natural Resources P.O. Box 450 Madison, Wi. 53701 (608) 266-7718
WYOMING * - See Attachment II	Approved Certification pending	Donald Owsley Occupational Health & Safety Dept. 200 E. Eighth Ave. P.O. Box 2186 Cheyenne, WY. 82002 (307) 777-7786	No plan Federal enforcement	Air Quality Division Dept. of Environmental Quality State Office Bldg. Cheyenne, WY. 82002 (307) 777-7391

EXPLANATORY NOTE:

Many states are divided into air quality control districts for enforcement NESHAPS and report directly to the federal EPA. Some state districts, counties and cities have developed and enforce their own regulations.

CALIFORNIA - All districts have adopted NESHAPS asbestos provisions. Del Nora, Humboldt, Kern, Mendocino, N. Sonora, Trinity and San Diego districts have plans. Other districts fall under state provisions as regards waste disposal.

NEVADA - Washoe district has plan.

TENNESSEE - Nashville and Knoxville districts have plans.

ILLINOIS - Chicago has plan. Cook County is developing plan.

MASSACHUSETTS - Boston has plan.

NEW YORK - New York City has plan.

PENNSYLVANIA - Philadelphia has plan.

ATTACHMENT II

CALIFORNIA

- Chap. 1432 prohibits any person from causing or permitting the spraying of any substance containing asbestos in or upon a building, or other structure during its construction, alteration or repair.

S.B.176. Enacted 1977. Makes it illegal for authorities to issue building permits which would authorize illegal building practices such as spraying of certain asbestos-containing materials.

S.B.230. Enacted 1977. Requires that the asbestos spraying prohibition be enforced by the Department of Health for the environmental aspects and Cal/OSHA for occupational aspects.

S.B.1678. Enacted 1976. Requires the regulation of carcinogens of which asbestos reporting regulations must be promulgated.

§5208 Cal/OSHA. Enacted May 26, 1977, effective September 1, 1977. Employers must register with Division of Industrial Safety if any use, handling, disposal, processing, manufacturing, packaging or repackaging of asbestos or asbestos-containing products which require labeling, brake repair and clutch repair operations where asbestos materials used.

Proposed regulations for hazardous and extremely hazardous waste may require that:

- asbestos must be transported in sealed containers and wetted or transported in closed vehicles, if wastes are bulky
- warning label must be attached to all containers
- waste must be accompanied by a properly completed California Waste Hauler Record
- fee for hazardous waste disposal - \$1/ton
- industries which dispose of hazardous waste on own property submit monthly reports

CONNECTICUT

- P.L. 77-445. Effective 10/1/72. Requires employers to provide lung function tests. Employees may refuse.
- P.L. 77-107. Effective 10/1/77. Upon written request an employer shall furnish employee with list of hazardous substances used in workplace.
- P.L. 77-398. Effective 10/1/77. Regulation of Carcinogenic Substances: (first regulation proposed 11/23/77)
 - \$1 - defines asbestos as carcinogenic
 - \$2 - anyone who uses or produces a carcinogenic substance shall report by January 1 of each year:

- (1) method of disposal
- (2) amount used or produced that year
- (3) amount currently held in inventory
- (4) method used to transport carcinogenic substance

Proposed ambient air quality standard of 30 nanograms/cubic meter pending.

ILLINOIS

- In 1972, prohibited spraying of asbestos-containing material.

Under waste disposal provisions asbestos shall be wetted and placed in tightly sealed container and buried.

Cook County proposal would require permit for hazardous waste disposal and charge to employer.

SI239. Enacted August 26, 1977. Requires transportation of hazardous materials within state to follow regulations of U.S. Department of Transportation.

IOWA

- H. 439 a solid waste disposal bill and H. 520, handling of hazardous waste, will be carried over to the 1978 legislative session.

KANSAS

- H. 1715. Effective 1974. Relates to Workmen's Compensation providing for liability of employers for certain injuries and occupational diseases including asbestosis and silicosis.

MARYLAND

- S-807. Effective July 1, 1977. Article 43, Section 33: Secretary of Health and Mental Hygiene must adopt procedures to secure information about incidence and cause of diseases caused by toxic and carcinogenic substances.

MICHIGAN

- S-63 - toxic substances control bill which has passed the Michigan Senate. House working on similar proposal. Bill authorizes State the power to adopt measures of control in emergency situations dealing with carcinogenic substances.

MINNESOTA

- Effective December 1974, §325.244 of Minnesota Statutes bans use and shipment of powdered asbestos.
- C-1788 - pending - prohibits transportation of hazardous waste into Minnesota for disposal.

Regulations on hazardous waste management and disposal expected after January 1978.

MISSOURI

- 1977 enacted Hazardous Waste Disposal law. Regulations to be promulgated.

MONTANA

- 1977 enacted Hazardous Waste Disposal Act. Currently in process of holding hearings on regulations. Asbestos is classified as a Class I waste and can only be discharged into a Class I site (most extensively regulated dumping site).

NEW JERSEY

- Effective August 15, 1977, spray-on friable asbestos banned where greater than 0.25% by weight.

S-3035 - pending - Cancer Control Act empowers Department of Environmental Control to adopt rules and regulations to condition and control carcinogenic emissions and the production, use, sale and labeling of products containing carcinogens.

A-3009 - pending - prohibits presence or use of asbestos within schools or dwellings.

N.J.A.C.7:26-1 - When disposing of asbestos waste, report must be submitted by each generator to Bureau of Hazardous and Chemical Wastes prior to disposal indicating quantities of asbestos material, hauler identification and landfill site.

NEW YORK

- N.Y. Statute 325.244 bans powdered asbestos if dust will emanate due to handling, mixing or cutting for purposes of construction or improving any structure.

Chap. 577 - Amends Workmen's Compensation law to include partial disability resulting from silicosis or other dust diseases.

A-3562 - pending - gives state power to control transfer and storage of hazardous substances.

A-7242 - pending - prohibits use of asbestos or fibrous glass as lining in interior of air duct systems.

- N. CAROLINA
 - Chap. 106L. Provides medical expenses in asbestosis and silicoosis cases under Workmen's Compensation Act.
- VIRGINIA
 - Chap. 28 1976 enacted Toxic Substances Information Act. Regulations being developed.
- WASHINGTON
 - Washington Department of Labor has stated medical examinations will be required when employee is exposed to 0.1 fibers/cc greater than 5 microns in length.
- WISCONSIN
 - July 1977. Enacted hazardous waste management program. Regulations yet to be promulgated.

INTERNAL CORRESPONDENCE

METALS DIVISION

4615 ROYAL AVE. P.O. BOX 570, WASHINGTON FALLS, IDAHO 83401

To (Name) Mr. W. C. Thurber
Division UCC - Metals Division
Location 38th Floor
270 Park Avenue
New York, NY 10017

Date April 14, 1976 **RECEIVED**

Originating Dept. "Calidria" Asbestos APR 19 1976

Answering letter date

Copy to Messrs. R. E. Byrne, Jr.
D. M. Mintzes
J. L. Myers
T. P. Norris
R. F. X. Fusaro

Subject State of Oregon - Occupational
Health Regulations for Asbestos

File

In accordance with your request, the above noted state regulation has been reviewed. A copy is attached. The AIA/NA informs me that the Oregon regulations are OSHA approved and enforcement is being done by the state.

The Oregon regulation follows the June 7, 1972 Federal OSHA asbestos regulations quite closely with an important exception; i.e., in a number of situations where the Federal rules trigger action if the allowable limits may be or are exceeded, the Oregon rules go into effect if any level of airborne asbestos is present. A respirator is required "wherever asbestos releasing materials are handled".

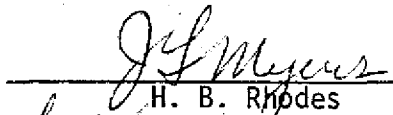
Specifically, the main differences are as follows:

1. Tools that release fiber must be provided with local exhaust ventilation. There is no "over the allowable limits requirement" as in the Federal Standards.
2. Insofar as is practical wet methods are to be used to prevent all emissions, not just those over the allowable limits.
3. Respirators are required wherever asbestos dust is released, regardless of how low the level.
4. Type "C" supplied air respirators appear to be required for the removal of asbestos containing materials with hand or power operated tools, even when the tools are fitted with local exhaust ventilation.
5. Special clothing and change rooms are required when concentrations "are reasonably expected to be" over the prescribed limit. The Federal Regulations require this only when the limits are exceeded.

UCC 009280

April 14, 1976

6. Caution signs are required where fibers may reasonably be expected to be released, regardless of the expected level. Federal rules require this "where airborne concentrations of asbestos fibers may be in excess of the exposure limits..."
7. Caution labels are required in all cases, even for products with bound asbestos, if any concentration of airborne fibers will be released not just not just where concentrations over the allowable limits may occur in any reasonably foreseeable use.
8. "Housekeeping" requires that all surfaces be kept clear of accumulations of asbestos fiber. The "...if their dispersion would create an airborne concentration in excess of the exposure limits..." wording from the Federal regulations has been deleted.
9. In "Waste Disposal" the words "which may produce....airborne concentrations in excess of the exposure limits... have been deleted from the Federal Standard. Sealed, impermeable bags are required for all waste disposal that will produce any concentrations of airborne asbestos fiber.


for H. B. Rhodes

HBR:da1
Attach.



INTERNAL CORRESPONDENCE

METALS DIVISION

To (Name) Messrs. R. E. Byrne, Jr.
 Division A. A. Messenger
 Location J. L. Myers
 E. W. Shortridge
 W. C. Thurber✓

Copy to File

• P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

Date December 3, 1976
 Originating Dept. "Calidria" Asbestos
 Answering letter date
 Subject

October 28, 1976, Revision
 to California OSHA Asbestos
 Standard, Title 8, Section 5208.

G-2-a

The official version of the changes in the California asbestos regulations that were adopted by the Standards Board on October 28, 1976, are attached for your information. These paragraphs will be considered again by the Standards Board for possible further revisions early in 1977. I am staying in close touch, mainly as an AIA/NA representative, with the activities in California.

H. B. Rhodes
 H. B. Rhodes

HBR:dal
 attachment

PAGE SEVEN
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
NOV 1 1976
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11320.2)
NOV 1 1976

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

(Agency)

Date of adoption, amendment, or repeal:

October 28, 1976

By:

R. T. Rinaldi

R. T. RINALDI, Executive Officer
(Title)

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

NOV 1 - 1976

At 4:00 o'clock P.M.
KATHY FONG, Secretary of State

DO NOT WRITE IN THIS SPACE

ORDER ADOPTING, AMENDING OR REPEALING REGULATIONS OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.6) and pursuant to the authority vested by Labor Code Section 142.3, the Occupational Safety and Health Standards Board hereby amends, repeals, or adopts its regulations as hereinafter set forth in Title 8, Chapter 4, Subchapter 7, Section 5208, Asbestos, General Industry Safety Orders of the California Administrative Code as follows:

Repeal Subsection (g)(1) and adopt new (g)(1) of Section 5208 to read:

(g) Monitoring and Recordkeeping.

(1) Monitoring.

(A) The employer shall sample the air and determine the concentration of asbestos fibers within the breathing zone of employees whose exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter due to work assignment(s) at or near operations with asbestos or asbestos-containing products which result in the release of asbestos fibers.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

(B) Following any change in control, process, or production method which may alter the airborne concentration of asbestos, the employer shall monitor the level of any employee's exposure which may have been affected by such change.

(C) Monitoring shall be repeated at least once every 6 months where exposure to airborne asbestos may exceed an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

(D) The sampling of airborne asbestos required by this paragraph shall be performed in a manner which will assure a reasonably accurate determination and shall be made without regard to employee use of respiratory protective equipment.

(E) All determinations of airborne concentrations of asbestos fibers performed under requirements of this section shall use the membrane filter method with phase contrast illumination, 400 to 450X magnification, and 4 millimeter objective.

Repeal Subsection (j) and adopt new Subsection (j) into Section 5208 to read:

(j) Medical Examinations.

(1) The employer shall provide or make available at no cost to the employee a comprehensive preplacement medical examination by a licensed physician for each employee engaged in an occupation where exposure to airborne asbestos, without regard to the use of respiratory protective equipment, has been determined to exceed, or may be reasonably expected to exceed, an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

The examination shall be provided or made available within 30 calendar days of an employee's initial assignment to such occupation and shall include as a minimum a 14-inch by 17-inch chest X-ray (posterior-anterior), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

DO NOT WRITE IN THIS SPACE

(2) At least annually every employer shall provide or make available at no cost to the employee a medical examination to employees as specified in paragraph (j)(1). The employer shall provide or make available, within 30 days of termination of employment of any employee exposed to airborne asbestos, a medical examination as specified in paragraph (j)(1), if such examination has not been taken within the previous year of termination.

NOTE: Pursuant to authority granted by Labor Code Section 6305(b), the Division, upon the advice of the Department of Health, may require an employer to make additional diagnostic test(s) available during medical examinations performed under the provisions of this paragraph when a preponderance of evidence indicates the advisability of such supplemental testing.

(3) Records shall be kept of medical examinations required by this subsection for each employee; such records shall be maintained by the employer for at least 30 years. Access to records of medical examinations required by this subsection shall be made available for inspection and copying to the Division of Industrial Safety, the Department of Health, and to authorized physicians or medical consultants of either of them. Upon written request of an employee or former employee, the employer shall provide a copy of the medical examination record to the employee's or former employee's physician. Any physician who conducts a medical examination required by this subsection shall furnish the employer of the examined employee or former employee all the information required by this subsection and any other medical information related to occupational exposure to asbestos.

Adopt new Subsection (k) into Section 5208 to read as follows:

(k) Employee Notification. Any employee found to have been exposed to asbestos fibers in excess of either of the permissible limits prescribed by subsection (a) shall be notified in writing of the exposure within 5 days of the finding. The individuals so exposed shall also be notified of the corrective action, in compliance with subsections (b), (c), (d), (e) and (f) being taken by the employer.

There are no building standards contained in this Order.

Pursuant to Section 106, Chapter 1284, Statutes of 1974, the above orders do not create any obligation for reimbursement by the State to any local agency under Section 2231 of the Revenue and Taxation Code for costs that may be incurred by it in complying with these orders because these orders merely implement Federal law and regulations.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The Occupational Safety and Health Standards Board finds that an emergency exists and that the foregoing attached regulation is necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts constituting such an emergency is:

The present Safety Orders do not specify a requirement for employers to notify employees exposed to asbestos in excess of the requirements of Section 5208. This requirement was inadvertently repealed in the last revision of the standard. There is an immediate need to readopt this requirement to protect the health of employees working in and around asbestos.

Due to the hazardous nature of asbestos, the existing Section 5208 has an immediate need to clarify the monitoring and medical examination requirements of the standards to clarify to the employers and the employees of their rights and responsibilities. This emergency adoption will resolve the above problems.

The said regulation is therefore adopted as an emergency regulation to take effect immediately upon filing with the Secretary of State as provided by Section 11422(c) of the Government Code.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD


R. T. RINALDI, Executive Officer

DATE: October 29, 1976

DO NOT WRITE IN THIS SPACE



OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

1008 FOURTH STREET
SACRAMENTO, CA 95814
(916) 322-3640

CERTIFICATE OF COMPLIANCE

(Section 5208, Asbestos, Subsections (g)(1), (j)
and (k) of the California Administrative Code,
Title 8, Chapter 4, Subchapter 7 as contained
in the General Industry Safety Orders)

The Occupational Safety and Health Standards Board hereby certifies that
said agency complied with the provisions of Sections 11423, 11424, and
11425, Government Code, prior to the adoption of the emergency regulation
adopted by the Board on October 28, 1976.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

A handwritten signature in cursive script, reading 'R. T. Rinaldi'.

R. T. RINALDI, Executive Officer

DATED: October 29, 1976