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TO: *Jennifer Sass*

FROM: Jerry Walsh (jwalsh@bna.com)

ORG:

PHONE: 800-452-7773, x3332
or 202-728-3332

FAX: *202-389-1060*

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Meetings

WEST VIRGINIA SAFETY COUNCIL SETS SYMPOSIUM ON COMPLIANCE WITH OSHA

A symposium on occupational safety and health will be presented at Potomac State College, Keyser, W.Va., April 5-6 by the West Virginia Safety Council.

The purpose of the symposium is to show those attending how to comply with the Occupational Safety and Health Act and how to minimize chances of trouble under it.

Further information about the symposium may be obtained by writing to the West Virginia Safety Council, 1550 4th Ave., Charleston, W.Va., 25312.

Regional Activity

REGION 5 CITES MORE UNIFORMITY IN ISSUING CITATIONS AND PENALTIES

Occupational Safety and Health Administration personnel in Chicago based Region 5 are achieving more uniformity of enforcement activities, Edward Estkowski, Regional Administrator, told OSHA.

OSHA enforcement personnel in Region 5 are "not nearly as erratic as we suspected we were in the beginning," Estkowski said. Compliance officers are becoming well versed in the Compliance Operations Manual and the result is a good system run by a good team, he said.

Region 5 includes Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio. A high percentage of the nation's industry is in Region 5.

Target Health Hazards

Region 5 presently employs five industrial hygienists though present allotted increases call for one in each area office and two in the regional office, Estkowski said. There is a good chance Michigan will participate in the target health hazards effort under Section 7 (c) (1) of the Occupational Safety and Health Act, he said.

The target health hazards program is being enforced through a lateral layer of priorities, Estkowski said, in consideration of geographical location, size, and type of business. It is being done in coordination with the target industries group.

There are approximately 65 OSHA compliance officers in Region 5 including the industrial hygienists, Estkowski said. Compliance officers are now giving less attention to speeches and dissemination of information and more attention to compliance activities, he said.

Enforcement

In the beginning of OSHA enforcement, compliance officers encountered several employers who were not familiar with OSHA, Estkowski said, but such instances are "few and far between now." The questions most asked by employers are concerned with the OSHA record-keeping requirements, he said.

Most of the penalties proposed in Region 5 have been of average size, Estkowski said. There is one case present-

ly in court involving an employer who did not pay a proposed penalty or abate the alleged hazard, he said. This case has resulted in daily penalties totalling about \$60,000.

OSHA is anxious to conclude the Port Huron tunnel disaster investigation, Estkowski said. A quick investigation was not possible because it is a very complex case, he said.

General Policy

GUENTHER REPORTS FINAL PHASE OF INVESTIGATION OF PORT HURON DISASTER

Investigation into the Port Huron, Mich. tunnel explosion which killed 22 men is now in its final phase, George C. Guenther, Assistant Secretary of Labor, said March 16.

A decision on citations for alleged violations or other appropriate action is expected to be issued in the near future, Guenther said.

The statement was made by Guenther in response to inquiries by Senator Robert P. Griffin Minority Whip (R-Mich), and Congressman James P. Harvey (R-Mich), Guenther said. Griffin threatened in a letter to Secretary of Labor Hodgson to initiate congressional hearing into the December 11 blast. "if serious questions are left unresolved" after the investigation report is released. "If there are gaps in tunnel safety legislation or in the administration of current regulations at the federal level, I intend to demand that they be filled," Griffin, said.

Clean-up Plan

The Federal District Court in Detroit that granted the restraining order (Current Report, March 16, p. 976) has approved the plan to de-water and de-gas the tunnel.

"OSHA provides amply for authority in dealing with such situations," Guenther said, "and this authority is being fully utilized."

Asbestos

LABOR, INDUSTRY DIFFER PROPOSED STANDARD TO REGULATE ASBESTOS DUST

Labor and industry representatives clashed over various facets of the asbestos dust regulation proposed in the National Institute for Occupational Safety and Health criteria document (Current Report, January 20, p. 786), during Labor Department hearings held in Washington March 14-17.

The basis for the proposed two fiber standard recommended in the criteria document is "confusing and inconsistent," Dr. George W. Wright, head of the Division of Medical Research at St. Luke's Hospital in Cleveland, Ohio, said.

The five fiber standard is adequate and includes a sufficient margin of safety, Wright said, citing several studies to support his position.

Wright noted that there are four distinct types of asbestos and that some are more dangerous than others.

Crocidolite and amosite appear to be linked with mesothelioma while the other two varieties, chrysotile and anthophyllite are not, he said.

The control of asbestos dust in the workplace should be effected primarily by engineering methods, Wright said. If a five fiber limit is set, the employer will have to operate the plant at a level of about three fibers to allow for variations, he added.

British Standards

A standard of two fibers on a time weighted average basis and twelve fibers exposure for no longer than 10 minutes is adequate, Stuart Luxon, president of the British Occupational Hygiene Society and superintending inspector of factories for the United Kingdom, said.

If a level of two fibers is exceeded in the U.K., an inspector may ask for penalties which relate directly to the severity of the violation and the degree to which the hazard may adversely affect health.

The British regulations require loose and waste asbestos to be placed in closed containers when handled and that crocidolite asbestos be labeled as hazardous when handled in the raw ore state. They do not require regular monitoring, or medical examinations for employees, Luxon said.

In Britain, enforcement is left to government inspectors and the courts, according to Luxon. In seeking penalties against employers, inspectors may argue before judges and give opinions as to the severity of the violations, but the courts ultimately assess any penalties, Luxon said.

Canadian Studies

To apply a single standard to all areas in the manufacturing, mining, and processing of asbestos would be an error, Dr. J. Corbett McDonald, professor of Epidemiology at McGill University, and researcher at the Institute for Occupational Health, said.

The institute has studied asbestos and health for the past six years. A reasonable standard for chrysotile mining and production would be between five and nine fibers per cubic centimeter, McDonald told the hearing.

McDonald also emphasized that the duration of exposure is important, as well as the type of asbestos a worker is exposed to. Promulgation of a single standard for all of these variables would be a mistake, he said.

Johns-Manville Corporation

In developing an asbestos standard there is a dual responsibility to protect asbestos workers from hazardous levels of dust and to guarantee that life-saving asbestos products reach the market J.B. Jobe, Executive Vice-President, Johns-Manville Corporation, said.

A representative number of employees, equipped with collar or lapel monitors should be sufficient to monitor dust levels in the plant, Edmund M. Fenner, director of Environmental Control, Johns-Manville Corporation, said. Monitoring need not be regular but only often enough to monitor progress toward compliance.

Part or all of the asbestos industry would die if forced to adopt the labeling requirements of the criteria document, Johns-Manville Corporation Vice-President for research and development Fred Pundsack told the hearing. Consumers and some contractors would be unnecessarily scared away by the label.

If forced to comply with a standard of two fibers per cubic centimeter, Johns-Manville would have to spend \$12 million initially, \$5 million each subsequent year, and terminate some 1,100 workers, Vice-President for Industrial and International Divisions H.B. Moreno said.

Special medical examination procedures should not be necessary for employees working under the TLV as set, because that level should protect them, Corporate Medical Director for Johns-Manville Dr. Thomas H. Davison said. He also supported a proposed regulation that would allow only an employee to release his own medical records.

Union Carbide

A level of two fibers per cubic centimeter cannot be achieved at Union Carbide's asbestos processing plants by any known engineering methods, James W. Rawlings, vice-president of mining and metals division, said. The five fiber limit can be achieved and maintained, he said.

Rawlings also stressed the economic impact that a lowering of the standard would have, not only on the company, but on the families of the small town where Union Carbide mines and processes its ore.

GAF Corporation

Compliance with a five fiber limit would cost GAF some \$2 million to install and design equipment and would take at least two years, Vice-President J.G. Hall said. Moreover, Hall added, compliance with a two fiber limit cannot be made in this decade and would be prohibitive in cost.

Hall also opposed the warning label requirement, saying, "Where there is no need, there should be no warning."

Panacon Corporation

If a two fiber limit is adopted, Panacon Corporation will have to consider shutting down all asbestos equipment with a resultant loss of over 400 jobs, Panacon Vice-President Elmo A. DiSalvo said. It would take Panacon about two years to meet a fiber limit, he added.

DiSalvo said his company also opposes the proposed labeling requirement because most finished asbestos products such as floor tile, do not produce dust when handled.

Armstrong Cork Company

The proposed warning label is unnecessary, inappropriate, and could adversely affect sales and therefore employees, Louis J. Bibri, vice-president and director of employee relations, Armstrong Cork Company, said.

In place of the proposed label, Bibri recommended a "performance standard" for installers which would caution them as to possible dangers when removing and installing asbestos floor tile, or other products.

In addition, medical records should be available to the employer, Bibri said, in contrast to the proposed regulations which would only allow an employee's physician and the Secretary of Health, Education and Welfare to have access to such information.

Nicolet Industries

Small asbestos producers would be hardest hit by the proposed regulations, Guy Gabrielson, president, Nicolet Industries, told the hearing. They should be sufficient to

keep dust levels at a minimum, avoid high concentrations, provide respirators, and try to prevent cigarette smoking on the job, he added.

Overly harsh standards such as the two fiber limit would only drive small producers out of the industry and thereby encourage monopoly, cause unemployment, and bring foreign products into the country.

Textile Workers of America

The proposed two fiber limit is appropriate, but work should continue toward a zero exposure level, George Perkel, research director, Textile Workers of America, said. There is evidence that a two fiber limit is necessary and action is needed now even though all the studies are not in, he added.

Perkel and the TWA said industry should be given only six months in which to comply because the variance procedure is adequate to cover corporations that need longer.

The union supports the provision in the criteria document concerning warning signs and access to medical records, he said.

AFL-CIO

The safety of the worker should be put ahead of any economic consideration that compliance with a two fiber limit may warrant, George H.R. Taylor, executive secretary, AFL-CIO Standing Committee on Safety and Occupational Health, said.

Taylor endorsed most of the recommendations in the criteria document and those of the Advisory Committee on Asbestos Dusts and called for application of the regulations to federal employees and cooperation of federal agencies in carrying out the intent of the standard.

IUD

Sheldon W. Samuels, director of Occupational Health, Safety and Environmental Affairs for the Industrial Union Department of the AFL-CIO, called for industry compliance with a zero level of exposure to asbestos dust within three years and for constant random sampling of air, coupled with personal monitoring.

In addition, Samuels proposed that employers pay for medical examinations by doctors of the employees' choosing and that records be available only to the employer, his doctor, and the Secretary of HEW.

Samuels endorsed the proposed labeling requirements with the addition of a skull and crossbones in the lower quadrant.

Asbestos Health Plan

Although the two fiber limit is a "frugal choice," performance standards are desirable, Dr. W. Clark Cooper, medical advisor to, and designated representative of, the Western States Asbestos Health Plan, said.

Changes in work practices could eliminate asbestosis and practically eliminate asbestosis-related malignancies, Cooper said.

It is "unreasonable" to hold the current employer responsible for exposure that occurred 20 or 30 years ago, he said. Content of medical examinations should be limited and sputum cytology should not be mandatory.

The part on particular products and operations of the

emergency standard is "unnecessarily restrictive," Albert Schinnerer, employer trustee of the asbestos workers western states occupational health plan, said.

If asbestos advisory committee recommendations are adopted, Section 1910.12 should be revoked and separate standards for the construction industry should be included. There also should be separate standards for work on ships, he said.

British Experience

A figure of four or five fibers would be adequate until more epidemiological evidence is available, Dr. Stephen Holmes, Asbestosis Research Council, England, said.

If the British Occupational Hygiene Society standard is to be considered in establishing a permanent standard in the United States, in must be remembered that the recommendation is that the integrated exposure figure of 100 fiber-years per cubic centimeter should be a guide, rather than the much more often quoted two fiber limit which is a figure derived from the standard assuming a 50-year continuous occupational exposure.

Such a length of exposure would be regarded as "completely unrealistic" in the United States, where a shorter period in the industry is usual for asbestos workers, Holmes said.

AIA

In the opinion of most experts, time weighted averages can be very misleading if men are periodically exposed to fiber levels so high that the lung's cleansing mechanism fails considerably in its ability to rid the body of accumulated fiber, Matthew M. Swetonic, executive secretary, Asbestos Information Association, North America, and manager, special Products, Public Affairs, Johns-Manville Corporation, said.

If, as experts say, the lung can remove 99 percent of all inhaled particles, including asbestos fiber, then a reduction in the cleansing function of even a few percent will increase the amount of fiber retained by that many magnitudes, he said.

Lack of trained personnel makes the recommended dust monitoring program "impractical" at this time, Swetonic said. The medical surveillance recommendation of the advisory committee is "illogical and unworkable" because it prevents the employer from seeing medical records needed to determine whether an employee should be assigned to tasks requiring use of a respirator, prevents him from conducting preventive medicine because he cannot perform examinations, and inhibits future epidemiological studies because of wide distribution of medical records among doctors across the country.

Raybestos-Manhattan

Difficulty or impossibility of maintaining reliable control at levels lower than five fibers and lack of scientific facts to justify the need for a lower standard, "leads me to recommend the adoption of the presently proposed permanent standard of five fibers per cubic centimeter, as determined by the membrane filter method or whatever improved variation of this monitoring method may be forthcoming," Issac Weaver, director of environmental control, Raybestos-Manhattan, said.

Raybestos-Manhattan has been forced to lay off textile workers and is concerned about prospects of additional layoffs and loss of business due to lower priced foreign imports, John H. Marsh, director of planning for Raybestos-Manhattan, said.

Labeling provisions for finished products contained in advisory committee recommendations are "unnecessary" because of the absence of any health hazard associated with their normal use. Such labeling is likely to encourage use of substitute materials which may not have the superior performance characteristics of asbestos products and may be less safe, Marsh said. According to the National Academy of Sciences, "asbestos is too important in our technology and economy for its essential use to be stopped."

Cement Asbestos Products Company

Stationary hand-or power-operated tools producing asbestos dust should be provided with local exhaust ventilation and dust collectors and portable hand-or power-operated tools producing asbestos dust should be provided respirators, W. H. Beasley, manager, Cement Asbestos Products Company, said.

A wet mix system that would hold the asbestos captive and prevent it from becoming airborne should be allowed, he said. Waste and scrap containing asbestos should be collected and placed in a disposal area and covered with landfill soil and respirators should be used while loading, unloading, and covering this material as dictated by exposure levels.

Certain-teed Products

Sufficient medical justification for a two fiber limit does not exist at this time, Bruce J. Phillips of Certain-teed Products Corporation, Valley Forge, Pa., said. A five fiber standard should be used. Recommendations for engineering control methods are "unduly restrictive."

Landfills should be used for disposal of scrap and waste and disposal problems are solid waste management problems to be covered by the Environmental Protection Agency, he said.

If there is no danger of airborne concentrations exceeding specified limits, there should be no warning signs, Phillips said. Reference to cancer should be removed from the warning sign.

Asbestos Textile Corporation

American Asbestos Textile Corporation could meet the five fiber limit but the two fiber limit is impossible in most operations with existing technology, John L. Rainey, president of the corporation, said.

Control of airborne asbestos dust is more difficult in the manufacture of textiles than in manufacture of many other products and, therefore, should be treated separately. It should be sufficient to furnish respirators without a variance, he said.

The five fiber limit is feasible and, unless there is ample medical evidence to show the danger of this limit, it should not be rejected, Charles H. Newman, senior vice president, Kentile Floors of New York, said. The cost of attaining a two fiber level would make discontinuation of operations a possibility.

UAW

Recommended criteria should enable management and labor to develop better engineering controls and more healthful work practices, and should not be used as a final goal, David A. Padden, industrial hygienist, United Auto Workers, said. The present threshold limit value should be two fibers. More research and data must be obtained, including environmental and medical, to develop better standards and reduce the present emergency standard.

An asbestos work manual was entered into the record by Duncan A. Holaday, Environmental Sciences Laboratory, Mount Sinai School of Medicine, New York. Such operations as sawing and cutting can be controlled by use of local exhaust ventilation, he said. A saw with a bag house is available for \$600.

Workmen's Compensation

SENATOR JAVITS OPPOSES FEDERAL TAKEOVER OF WORKMEN'S COMPENSATION

Any suggestion that workmen's compensation be federalized either by merging it with social security or by enacting a federal workmen's compensation law was rejected by Senator Jacob Javits (R-NY) before the final hearing of the National Commission on State Workmen's Compensation laws in New York March 20.

Merger with social security would transfer a significant part of the burden of compensation work-related disability to employees and, increasingly, the taxpayer, Javits said.

Relieving employers of the primary burden of compensating work-related disability would sacrifice the incentive which the present workmen's compensation system has furnished for improvement in occupational safety and health in the United States, Javits added.

Quid Pro Quo

What seems to have been lost sight of in state after state is the proposition that workmen's compensation is supposed to be a quid pro quo for the worker's loss of his right to sue at common law, Javits said. Workmen's compensation is not supposed to be a welfare program; indeed, the Supreme Court once indicated that the constitutionality of workmen's compensation depends upon the injured worker receiving a reasonable level of benefits as a substitute for his right to sue for unlimited benefits, Javits went on.

"In my opinion we can preserve all that is best within the existing system by establishing, through appropriate legislation, federal minimum standards for state workmen's compensation laws, and by providing necessary financial assistance to those states which desire to continue to operate programs meeting such minimum standards," Javits said.

He proposed the logical starting point for formulating such standards would be the recommended standards of the Department of Labor and the International Association of Industrial Accident Boards and Commissions and the Model Workmen's Compensation Code developed by the Council of State Governments. These standards

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Thomas, Wm. E.,
Babcock & Wilcox Tube Company,
Beaver Falls, Pa.

Thornton, George, Vice Pres.,
Ottawa Silica Company,
Ottawa, Ill.

Tillotson, E. W., Ass't. Director,
Mellon Institute,
Pittsburgh, Pa.

Titus, W. C., Personnel Director,
Allegheny Steel Company,
Brackenridge, Pa.

Tour, Sam, Exec. Sec.,
Non-Ferrous Foundry Association for
Industrial Recovery,
47 Fulton Street,
New York, N. Y.

Valentin, Dr. A. C.,
Henry Disston & Sons, Inc.,
Philadelphia, Pa.

Van Hagan, H. H.,
Certain-Teed Products Corporation,
Beaver & Military Roads,
Buffalo, N. Y.

Vessey, S. C.,
W. W. Sly Manufacturing Company,
Cleveland, Ohio.

Voss, J. A.,
Director of Industrial Relations,
Republic Steel Corporation,
Republic Building,
Youngstown, Ohio.

Waters, T. C.,
Pennsylvania Pulverizing Company,
Lowiston, Pa.

Watson, A. L.,
Koppers Company,
Koppers Building,
Pittsburgh, Pa.

Weber, G. J.,
Assoc. of Mfrs. of Chilled Car Wheels,
1847 McCormick Building,
Chicago, Ill.

Weeks, H. J., Manager,
Employment, Safety & Welfare Department,
American Steel & Wire Company,
Rockefeller Building,
Cleveland, Ohio.

Weidlein, E. R., Director,
Mellon Institute,
Pittsburgh, Pa.

Weil, Dr. G. C.,
Marcy Hospital,
Pittsburgh, Pa.

Williams, Marshall,
American Bridge Company,
Frick Building,
Pittsburgh, Pa.

Williamson, George H.,
J. K. Davison & Bro.,
42nd & Davison Streets,
Pittsburgh, Pa.

Wilson, L. C., Works Mgr.,
Reading-Pratt & Cady Company,
Reading, Pa.

Woods, W. J.,
Pennsylvania Pulverizing Company,
Lowiston, Pa.

Woody, G. V., Manager,
Pittsburgh District,
Allis-Chalmers Mfg. Company,
Koppers Building,
Pittsburgh, Pa.

Wychgal, Dr. James H.,
American Steel & Wire Company,
Rockefeller Building,
Cleveland, Ohio.

Yanson, C. R., Secretary,
Code Authority, Sandstone Industry,
1125 Builders Exchange Building,
Cleveland, Ohio.

Yant, William P.,
Bureau of Mines,
4800 Forbes Street,
Pittsburgh, Pa.

Yoder, Ray,
Standard Steel Works Company,
Burnham, Mifflin Co., Pa.