

Interoffice Communication

TO: T. L. Thoen

FROM: L. A. Legendre 

DATE: June 24, 1988

SUBJECT: OCCUPATIONAL HEALTH TRENDS & PRIORITIES

Following are OH trends and priorities for the remainder of 1988 and into 1989 that potentially effect Conoco. They are divided into two groups: items as published in the OSHA semiannual regulatory agenda, and other areas of increasing OH activity. These listings must be prefaced with the fact that the change in the administration at the end of the year may have major impact on both the OSHA agenda and other OH areas.

Also note that this report does not address regulatory items that are strictly safety oriented or hazard communication related.

OSHA Agenda

Prerule Stage

- Asbestos, Tremolite, Anthophyllite, and Actinolite - OSHA has granted a temporary stay of the effective dates of the current asbestos standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. The rulemaking record will be reopened on the issue of whether, and how, to regulate occupational exposure to these items. Next Scheduled Action: Coordination with MSHA, 06/00/88.
- Medical Surveillance and Exposure Monitoring Programs - In conjunction with OSHA's proposed modification of the air contaminant permissible exposure limits (PEL's) of 29 CFR 1910.1000, OSHA will be developing generic standards for medical surveillance and exposure monitoring programs to satisfy Section 6(b) of the Act which requires provisions for medical surveillance and exposure monitoring in each rulemaking for a hazardous substance. Next Scheduled Action: ANPRM or Request for information, 00/00/00.

Proposed Rule Stage

- Carcinogen Policy - OSHA is currently reviewing its 1980 Carcinogen Policy. A stay remains in effect on the publication of the candidate and priority lists. Next Scheduled Action: NPRM, 12/00/88.

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- Respiratory Protection - OSHA will be proposing revisions to its present respiratory protection standards in light of the new ANSI standard. A couple of areas in the ANSI Standard that would impact our operations are in regards to not recommending irritant smoke for qualitative fit testing, and a new requirement for the fit testing of positive pressure mask under negative pressure conditions. Next Scheduled Action: NPRM, 07/00/88.
- Methods Of Compliance - Current OSHA regulations require the implementation of feasible engineering controls to maintain air contaminant concentrations in the work place at or below PEL's. The use of respirators is permitted only when engineering controls are not feasible, not yet installed, or are not adequate. OSHA believes that any changes to this policy must be closely coordinated with revisions in the respiratory protection regulations. Next Scheduled Action: NPRM, was due 05/00/88.
- Confined Space - Current standards do not specifically address the hazards associated with entry into confined spaces. OSHA will be proposing criteria and precautions to minimize the hazards of confined space entry. Next Scheduled Action: NPRM, 09/00/88.
- 1,3-Butadiene - Rulemaking was started after an EPA referral to OSHA under Section 9(a) of TOSCA. Next Scheduled Action: NPRM 09/00/88.
- Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol And Their Acetates - Rulemaking on these chemicals was started by OSHA after an EPA report to OSHA under Section 9(a) of TOSCA. Next Scheduled Action: NPRM, 10/00/88.
- Methylene Chloride - The UAW petitioned OSHA to issue a hazard alert, issue an emergency temporary standard, and begin work on a new permanent standard on methylene chloride. OSHA issued a set of guidelines for methylene chloride and is proceeding with rulemaking to develop a permanent standard. OSHA denied the request for an emergency temporary standard. Next Scheduled Action: NPRM, 11/00/88.
- Permissible Exposure Limit Update - OSHA issued its proposed rule for the update of air contaminant PEL's on 6/7/88. The proposal is to amend the existing three Z-Tables and add a fourth. The amendments would reduce PEL's for approximately 100 substances now listed, raise the PEL for 1 substance, set PEL's for 205 substances currently not regulated by OSHA, add or change STEL's

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for 70 substances, and set a number of skin or ceiling limits. OSHA is using the NIOSH Recommended Exposure Levels (REL's) and the ACGIH Threshold Limit Values (TLV's) as the starting points in its limits review. Next Scheduled Action: Proposed rule open for written comment until 7/8/88.

- Hazardous Materials - Standards in 29 CFR 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. The regulatory action will occur in three phases; Process Hazards Management, Flammable and Compressed Gases, and Hazardous Liquids. Next Scheduled Action: NPRM, 01/00/89.

Final Rule Stage

- Occupational Exposures To Toxic Substances In Laboratories - OSHA has proposed a performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions; e.g. written chemical hygiene plans, lab hood requirements, regulated areas for carcinogens. Next Scheduled Action: Final Rule, 07/00/88.
- Access To Employee Exposure And Medical Records - The existing records access rule was promulgated in 1980. The new regulation is expected to be similar with certain exceptions relating to short-term employees, employer trade secrets, and unconsented access to employee exposure records by union representatives. Next Scheduled Action: Final Rule, was due 05/00/88.
- Hazardous Waste Operations And Emergency Response - The final rule is scheduled to be published 7/88, with an effective date of 7/89. The training and certification aspects of the regulation will be removed and will be addressed under separate rulemaking. Next Scheduled Action: Final Rule, 07/00/88.
- Asbestos Short Term Exposure Limit - OSHA plans to amend the asbestos standards by the issuance of excursion limits. Final decision is due this month.

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Areas of OH Activity

- One means that OSHA is using to get around the problem of slow and ineffective rulemaking procedures is the use of guidelines in conjunction with enforcement under the General Duty Clause. AIDS and cadmium are recent examples of this procedure. This alleviates OSHA from having to go through the full rulemaking process.
- OSHA has ended its controversial "records-check only inspections" and now conducts walkthroughs at all the facilities it visits. OSHA will continue its emphasis on recordkeeping procedures however.
- The trend towards larger penalties for OSHA violations is expected to continue. While the number of OSHA serious and willfull violations issued has decreased approximately 18% between 1980 and 1987, the amount of penalties proposed has decreased only 4%.
- Criminal prosecutions of employers for violations of job safety and health laws are expected to continue and expand in the future.
- Stress, indoor air pollution, ergonomics and video display terminals (VDT's) are seen as areas where OH activities will continue to rise. For example:
 - Radon is especially becoming an indoor air pollution issue in certain areas of the country.
 - OSHA recently proposed a \$3.1MM penalty (using the General Duty Clause) against a major meatpacking company for failing to protect its employees from serious musculoskeletal injuries caused by repetitive work tasks.
 - Controversy continues to increase regarding risks associated with the use of VDT's. Stress, vision problems, and reproductive effects are all under study. The nation's first law regulating private-sector VDT use was recently enacted in Suffolk County, New York. It requires employers with 20 or more VDT's to pay 80% of the cost of annual eye exams and eyeglasses for their VDT operators and to give these employees a 15-minute break after each three hours of VDT use. The law also regulates lighting and seating for VDT users. New York and five other states have VDT legislation pending. OSHA currently has no plans to regulate VDT use.

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- The "High Risk Occupational Disease Notification and Prevention Act" which died on the Senate Floor in March is expected to come up again next year. Its makeup will be very dependent on the results of the fall elections.
- The ACGIH TLV Committee is considering whether to take action on a number of chemicals; including unleaded gasoline, jet, petroleum, and diesel fuels, petroleum solvents, and tobacco smoke.

/sjr

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