

Health Standards Update: May 1983

Ethylene Oxide

On April 21, 1983 OSHA published a Notice of Proposed Rulemaking on Ethylene Oxide in the Federal Register (48 FR 17284). Prior to that date OSHA had made available to interested parties copies of a draft of the ETO standard. Comments on ETO and notice of intention to appear at the informal rulemaking hearing must be postmarked on or before June 7, 1983. Those wishing to request more than ten minutes at the hearings and parties submitting documentary evidence at the hearing, must submit the full text of their testimony and all documentary evidence no later than July 1, 1983. The informal rulemaking is scheduled to begin July 19, 1983.

Cancer

OSHA's revised carcinogen policy has been in an up and down situation with regard to its publication. First because of working on an overall national cancer policy, then because of industry objections made directly to the Solicitor of Labor. Lately, we have heard rumors that there have been movements in a totally new direction by OSHA, and that something may be happening soon.

This new direction means that OSHA may not withdraw but only amend the old "Bingham" cancer policy. The last draft should be finished the week of May 2-6 and submitted to Auchter for his review and approval the next week.

Hazard Communication

This standard is still largely unchanged from the earlier proposal. The "final" draft has been in and out of the Assistant Secretary's office. The staff briefed Auchter on the final draft on Friday, the 29th of April, and it is expected that it will be the end of the second week in May before OSHA finishes with the standard. From that point it will be with the Secretary of Labor's office for about three weeks and finally it will be sent to OMB. OSHA expects resistance from OMB, but is in a stronger political position to resist OMB than it was six months ago.

Access to Medical Records

Essentially no change and no progress here. This standard may be allowed to remain unchanged by this Administration.

Respirators

OSHA is reviewing comments on revision of 1910.134, but has not finished a first draft of a standard. OSHA has been writing pieces of the standard and will soon begin putting them all together. Look for an NPR on this subject this fall.

Hearing Conservation Amendment

OSHA has been getting alot of complaints about the use of dosimeters in this standard. Many of those complaining want to use the sound level meter, but do not want OSHA to come in and check their monitoring using dosimeters. Copies of the draft Hearing Conservation section of the OSHA Industrial Hygiene Field Operation Manual (IHFOM) are available and you can obtain a copy by dropping us a line or giving us a call.

Noise

OSHA is gathering information on this subject and its contractors have still not made their final reports. This subject is on the back burner and is unlikely to be moved up anytime soon.

Lead

Although in February it looked as if a Notice of Proposed Rulemaking (NPR) would be published by March of 1983, the Lead Standard has become completely stalled! OSHA released draft copies of its NPR on Lead to interested parties to stimulate comment. The draft NPR did not make as many changes as the ORC Task Force on Lead had recommended, but it was a lot better than the "Bingham" standard that is still the official document. The reasons for the stall are political, not technical or scientific. It is possible that we will see some minor modification of the standard published over the course of the next year and a half.

Asbestos

This is perhaps the hottest project at OSHA, for the moment. The OSHA health standards office are making a maximum effort to have a Notice of Proposed Rulemaking ready for publication by the end of May or the beginning of June. Hearings are to be scheduled for August and a final standard is being planned for publication in December, 1983.

The PELs being most seriously considered are 0.5 and 0.1 fibers/cc. OSHA's schedule for this substance has been accelerated by pressure from Capital Hill, Labor and Environmental groups.

Auchter has had to confront several congressmen, most notably Congressman Obey (D-Wisc.) who suggested that Auchter has attempted to conceal and quash an internal risk assessment on asbestos. Obey has also demanded copies of all internal memorandum, memos, personal communications, risk assessments, etc. dealing with Formaldehyde, Asbestos, Ethylene Oxide and Benzene.

OSHA's prime objectives at the moment are to (a) determine what are the most credible exposure scenerios, (b) assess the technical feasibility of the two PELs under consideration, and (c) evaluate the impact of research work done since the 1975 standard was proposed.

The 1975 OSHA Proposed Asbestos Standard will be the model for the new effort. Initially, OSHA had considered republishing the 1975 proposal with a new PEL, or alternatively, have a hearing to change the PEL in the present standard. Considering the amount of time available to OSHA, if it intends to keep to its schedule, it is likely they will try one of the two approaches discussed above.

To speed their efforts to prepare a NPR on Asbestos, OSHA has hired Dr. Irving Selikoff and his staff from the Mount Sinai Hospital in New York. Dr. Selikoff is going to have a big role in writing any new standard, and Auchter is both impressed with Selikoff and willing to listen to what he recommends. Additionally, OSHA has made arrangements with the NIEHS at Research Triangle Park to Allow John Dement (formerly of NIOSH) to work with the OSHA asbestos team.

Cotton Dust

OSHA has not made any changes in the basic approach it has been following. OSHA contends that since most employees in the industry have already achieved the required levels, it would be a big mistake to allow them to use respirators in place of engineering controls.

Formaldehyde

OSHA will not do an Emergency Temporary Standard as they have been urged to do by the Labor/environmental/media lobby. Instead, OSHA is working hard on an Advance Notice of Proposed Rulemaking that they hope to publish this fall. Even with this accelerated effort, however, it seems likely that OSHA will have another run-in with the Circuit Court of Appeals for the District of Columbia because of the suit that Labor and its allies have brought against OSHA.

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Ethylene Dibromide

Final drafts of an NPR are being written and reviewed internally, and OSHA may have an NPR out by June 1983.

Benzene

On March 30, 1983, OSHA announced that it would hold hearings to consider the evidence for lowering the PEL for Benzene. OSHA expects to publish an ANPR around the second week of May, 1983. OSHA took this action because it had received evidence from two studies (not yet published) that showed serious effects at levels below 10 parts per million. Additionally, there was an internal risk estimate document prepared by Dr. Peter Infante of OSHA that showed significant risk to workers having 45 years of exposure to ten parts per million of Benzene, eight hours a day, five days a week! Infante is using the "one hit", linear risk model in his calculations.

Organized Labor and environmental groups may have caused the Assistant Secretary to move on Benzene because of a threat of a formal petition for an ETS on Benzene. Albert Gore (D-Tenn) is considering holding hearings to review OSHA's efforts on Benzene. OSHA is reportedly seriously considering lowering the standard to 0.1 ppm.

4 4' Methylene Dianiline

OSHA is working closely with the EPA on this substance, and may put out a hazard alert or an ANPR on it. This substance has a positive bioassay, is used in the manufacture of polyurethane products as a hardner (accelerator) and anti-oxidant. The EPA estimates that from 2500 to 9000 workers are exposed to this substance. From 200-400 million pounds are used every year.



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