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SUMMARY MINUTES

Meeting of the IUD Ad Hoc Committee on the Asbestos Hazard,
January 5, 1972. Industrial Union Dept. Board Room - 815 - 16th St.,
N. W., Washington, D. C.

Participants:

Fred Bishoff	Occupational Safety and Health Adm., U. S. Dept. of Labor
Ray McClure	" " " "
Maywood Boggs	" " " "
Howard Ayer	National Institute for Occupational Safety and Health, HEW
Dr. Lorin Kerr	United Mine Workers of America
Thomas Smith	International Printing Pressmen
Walter Allen	" " " "
Jeff Stansbury	Overview, Inc.
Tony Mazzocchi	Oil, Chemical and Atomic Workers
Steve Wodka	Oil, Chemical and Atomic Workers
George Perkel	Textile Workers Union of America

Sheldon W. Samuels	Industrial Union Department, AFL-CIO
Barry Cassidy	" " " "

The meeting was started by Sheldon Samuels, Director of Occupational Health, Safety and Environmental Affairs, IUD; he raised the question of performance standards. Mr. Bishoff replied that in most situations performance standards have to be in accordance with 1910.93 a(d). He stated that they are restricted to tie everything to a standard. Only when limits prescribed are exceeded, can they act. Although the standard published is not as low as has been requested, it is nevertheless low. Dr. Lorin Kerr asked, "By what criteria?" Mr. Bishoff replied that it was as low as the criteria published in 1971. Kerr stated that he did not think that was particularly meaningful. Mr. Samuels inquired, "How is the standard being measured? Are inspectors out in the field bringing them back for measurements? Are they aware of the hot spots?" (He referred to the samplings in the NIOSH letter of February 28, 1969 and gave Bishoff a copy. Ayer stated that copies had been given the Labor Department.) Bishoff answered that if the inspectors are not in the field now, they will be shortly. They have inaugurated their target health hazard program which covers five substances, including asbestos. Either late this week or early next week, they will be getting out written instructions regarding all five substances, how to measure, where to measure, etc.

Mr. Ayer of NIOSH added that they have some problems about performance standards. Mr. Mazzocchi of OCAW said that, "As Dr. Selikoff has pointed out, you are not going to get inspectors out there every day. When you have manufacturing situations, you have insufficient information about the operations to measure asbestos dust."

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Mr. Bishoff said that they are working on permanent asbestos standards. They will be printed in the Federal Register by May, 1972. They are forming an advisory committee and labor organizations will be invited to participate.

Mr. Samuels asked Mr. Bishoff if the experiments and work done by HEW on asbestos had been used. Mr. Bishoff replied that he was new in his job, reporting in mid-December, and his information is relatively scant. But he did know that the HEW survey of Johns-Manville has been useful. He had heard also about the survey done at Pittsburgh Plate but he did not know what effect this had on OSHA operations. It is a decentralized operation..."we give them the guidelines on scheduling inspections, investigating accidents and also scheduling inspections to get a cross-section of all industries. As of yesterday we have the target health hazards program. We give these guidelines to our field officers. They issue citations and propose penalties, and all of these records are in our 48 area offices. We do have monthly reports but not in the specifics you are asking me. I just happen to know some of the facts because of several telephone conversations with some field offices."

Steve Wodka raised the question of a hypothetical situation where OSHA has inspected a particular situation and a citation has been issued. In the meantime a new standard has come out, is that standard retroactive? Would the company be cited if they exceeded the new standard?

From a safety viewpoint Bishoff felt he would be inclined to do so, but he would have to hold back and not answer specifically at this time.

Tony Mazzocchi explained that men in plants are not generally knowledgeable about the hazards of asbestos. He has seen instances where exhaust fans blew asbestos dust into the yards where men were working.

Bishoff explained that according to performance standards criteria have to be met. Everything they do is tied in with a standard. The Act states that HEW shall advise OSHA on preparation of standards, in particular health standards. OSHA contacted NIOSH and their recommendation was that they use the 5-fiber limit, not to exceed 5 microns in length. They also contacted ACGIH and decided on the limit of 5. They are required by the Act to come up with a permanent standard within six months. NIOSH is preparing criteria and OSHA will appoint an advisory committee. The AFL-CIO will be offered membership on the advisory committee and it will be up to the committee to prepare a permanent standard based on the criteria from NIOSH and any other information available. There will be between seven and 15 members. "I hope that we will come up with seven well qualified people who are willing to serve. I am sure they will spend many hours discussing five versus two. The Act requires that six months from December 7, 1971, permanent standards be promulgated."

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Mr. Bishoff went on to state that they are hiring additional Industrial Hygienists. They are planning to have an Industrial Hygienist in each of the 48 area offices. With the expanded capability they will not have to wait for complaints before proceeding with inspections.

Sheldon Samuels replied that we are encouraged by his statement. "It is a real step forward but I would like to hark back to something Bishoff has not probably seen. It is a form letter sent out in 1969 by Howard Ayer to a number of people who have conducted these investigations--almost 30 plants. Apparently data had been collected. Was this based on a special survey?"

Ayer replied that as part of background information, when the asbestos study was started there was widespread feeling that the standard of 12 was too high. They started looking at a number of places. Since they started this, ACGIH reduced the figure to 5. He sent out the letter to remind people (plants where measurements were made) that measurements had been made. They received one or two responses.

Sheldon Samuels stated that one of his crusades had been to have data made available from such studies, whether as a result of private or government sources. For instance in the Omaha case, the basic information came from a study made by a pediatrician. A great job was done in that plant by way of issuing citations.

Tony Mazzocchi stated in detail a case where there had been an inexcusable lag of communication between NIOSH and OSHA.

Dr. Kerr of the United Mine Workers asked whether, from an administrative point of view, are inspections going to be confined to those inspections made by Industrial Hygienists on his staff. If that is the case, there will not be a lot of inspections.

Bishoff stated that there are 300 safety officers and 22 Industrial Hygienists and by the end of this year they will have 400 safety officers and 42 Industrial Hygienists. Written guidelines have been given to field personnel and first priority is investigation of catastrophes, second to complaints, third to special programs and, as of December 4, there is the target health program. Fourth priority is a cross-section study of general industry. With the personnel resources they have, the people in the field, the 400 compliance officers, and 42 Industrial Hygienists, the guidelines will be followed.

They will concentrate on asbestos, carbon monoxide, silica, lead, cotton dust--the five toxic substances. Area directors will schedule inspections at establishments where they know or believe these five toxic substances exceed to a significant degree the standards. The 400 compliance officers will look for these toxic substances when they make these inspections, and when they find them to any significant degree they will contact their area directors and OSHA will go in for an inspection. In reply to a question, Bishoff stated there would not be advance notice--only in special cases.

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George Perkel of the Textile Workers Union raised the question of why it was necessary to wait for six months before emergency standards could be changed. Mr. Bishoff stated that any change in the standards was not foreclosed 100 percent but it would have to be a real emergency situation that could not wait for the six-month period to elapse.

Mr. Perkel asked why we cannot have now the protection the law gives us--access to records and monitoring. There was further discussion on this point. He indicated his dissatisfaction with some of the deficiencies in the standards. It seemed to him that some of these deficiencies could be corrected without waiting six months.

Dr. Kerr felt that constant surveillance of labor is important.

Sheldon Samuels referred to the dangers of asbestos dust brought home in the clothes of men working with asbestos. Over a period of time members' families have developed cancer because of the asbestos dust in clothing. It seemed to Mr. Samuels that a bulletin can still be brought out requesting companies to provide facilities to change clothes and provide coveralls that can be left at the plant so that asbestos is not brought home.

Bishoff advised that an open meeting will be held in February to publicize the standards, the voluntary meeting of standards, reports of industry where they do have an effective program for control of exposure to these five toxic substances. This is their means of getting the word around for voluntary compliance. Putting out a bulletin saying that they shall have a change of clothing -- he would have to discuss that with the Solicitor. Personally he felt sympathetic but he thought that this would involve the Secretary of Labor in negotiations for a safety program.

Steve Wodka of OCAW reminded Mr. Bishoff that there was already a precedent in beryllium. But Bishoff did not feel certain they had the authority to put out such a bulletin and certainly he knew they did not have the resources.

Sheldon Samuels stated that HEW has the authority; EPA has the authority. Even without authority, the Secretary of Labor must have the moral authority to warn members to be aware of the dangers of bringing home asbestos dust in their clothing.

Dr. Kerr discussed with Mr. Bishoff how standards will be enforced. He understood that these emergency standards applied only to construction workers. Bishoff replied that they applied to construction workers and to all other industries where workers are exposed to these substances.

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