FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N. J. 07652

B U L L E T I N

N O. 6 1 2

October 12, 1977

OSHA PROPOSED RULEMAKING FOR SUBSTANCES POSING AN OCCUPATIONAL CARCINOGENIC RISK

On Tuesday October 4, 1977, OSHA published a notice of proposed rulemaking on suspected carcinogenic substances in the Federal Register. In this proposed rulemaking, substances would be classified:

Category I	Toxic substance confirmed as carcinogenic in humans
Category II	Toxic substance indicated as a potential carcinogen
Category III	Any toxic substance not classified in Category I or II
Category IV	Toxic substance not found in the American workplace.

The proposed regulations then draw up standards for the Categories for control through establishing permissible exposure limits, monitoring, regulated areas, respirators, medical surveillance, etc. Asbestos would be a Type I carcinogen and would require that workers' exposure be kept to "lowest level feasible." While the indications are that OSHA does not intend to re-write the Asbestos Regulation, it appears that this "fill-in-the-blanks" proposal is patterned after the asbestos regulations. Presumably, substances such as lead, benzene, etc would be controlled by establishing the Category, and then filling in exposure limits, etc.

The full text of the notice covered 100 pages in the Federal Register of Tuesday October 4, 1977 starting on Page 54147. A single copy of these proposed regulations is available on request. (Additional copies at $5.00 each). A write-up on these proposals from the NEW YORK TIMES is enclosed.

EWD/erc
Enclosure:

E. W. Drislane
Executive Director

cc-Active Members-List C
Regional Members

G-10
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Washington & Business

Health Hazards and the Workplace

By DAVID BURNHAM

WASHINGTON—Seven years after Congress approved the Occupational Safety and Health Act, the Federal Government this week laid out an enforcement plan that, if upheld by the courts, could have a significant impact on the health hazards found in the workplace.

Up to the present, although the Occupational Safety and Health Administration has been subjected to an almost endless barrage of criticism by businessmen, many experts agree it has been largely ineffective in confronting the health problems created by industrial processes.

In more than six years of operation, for example, OSHA has managed to put into effect regulations limiting the exposure of only 17 of the more than 1,500 carcinogens that scientists believe are present in the nation's factories, hospitals, chemical plants, beauty shops, mines, cleaning stores and even office buildings.

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A report by the General Accounting Office last spring said that at the existing pace it would take OSHA more than a century to regulate substances already identified as hazards and that new and dangerous products were being added to the environment every day.

"Thus," the General Accounting Office report concluded, "the bleak health conditions, which Congress sought to improve (in the Health Act of 1970) still exist, and many may be getting worse."

But on Monday, Labor Secretary Ray Marshall and Dr. Eula Bingham, the head of the OSHA, made a proposal that would provide a drastic change in the agency's approach to health problems and a great increase in the pressure on business to confront these problems.

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Mr. Marshall and Dr. Bingham recommended the Federal Government's first comprehensive plan to control the hundreds of substances that produce cancer and the abandonment of the present substance-by-substance approach. Under the plan, model fill-in-the-blanks regulations would be established for carcinogens. More important, perhaps, the proposal provides that the Government will argue on a-once-and-for-all basis two key policy issues that in the past have been argued, and reargued as each individual carcinogen came under regulation.

One issue the Government wants to decide as a general policy is what kinds of proofs will be required to declare that a given substance causes cancer. The second issue is what action the Government will expect a business to take after a substance is declared a carcinogen.

As spelled out in the 278-page Labor Department proposal, evidence developed during specifically defined tests on mamalian animals could be the basis for determining that a toxic substance is a carcinogen and, once so determined, that the exposure limit "will be set as low as feasible."

Assuming the new comprehensive cancer proposal survives the expected challenges by business and industry, the potential impact of the plan is enormous. During the last 75 years of increasing industrialization, for example, deaths from cancer have risen from 64 per 100,000 in 1900, to 162.8 per 100,000 in 1970 and 171.5 per 100,000 in 1975. Cancer is now killing about 1,000 persons per day in the United States and each year 900,000 new cases are diagnosed.

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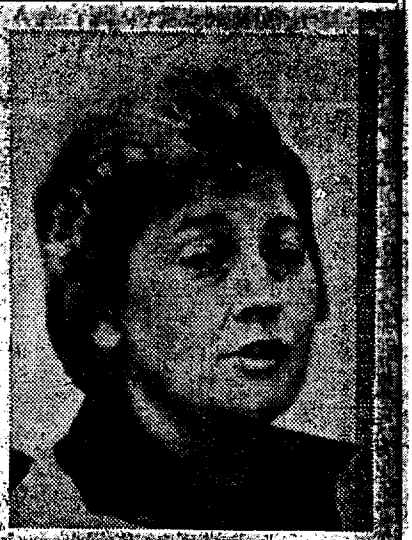
Somewhere between 60 percent and 90 percent of these cases, scientists now believe, are triggered by substances in the environment of America, many of which originally are generated in the workplaces regulated by OSHA.

While the human anguish behind these statistics is impossible to qualify, the costs can be estimated. According to some studies, about $1.8 billion a year is spent in the United States solely for hospital care for cancer patients, $3 billion to $5 billion a year is spent for all kinds of treatment of cancer and perhaps $12 billion a year is lost in earning power and productivity because of cancer.

Mr. Marshall referred to these broader costs to society—some of which are reflected in higher health-care premiums paid for the general population—when asked whether he had calculated what the new comprehensive enforcement plan would cost industry. The Secretary said that he believed the policy, when implemented, would save society a great deal of money.



Associated Press
Dr. Eula Bingham

But the proposal could result in a tremendous increase in Government pressure on industry to limit the emissions of cancer-causing agents and this would cost money—first, industry's money, then the public's money when it buys what industry sell. The plastics industry, representing a segment of industry that would be particularly affected, said that it shared the Government's concern in wanting to reduce occupational exposure to carcinogens. But it denounced the plan as "nothing more than an attempt by a regulatory agency to devise a 'quick fix' method of dealing with the admittedly difficult task of reducing the risks of occupational health hazards. No push button formula will provide the right answer."

The potential significance of the OSHA proposal does not end in the workplace. Other Federal agencies—such as the Consumer Product Safety Commission, and the Environmental Protection Agency—regulate carcinogens on a substance-by-substance basis. Should this approach survive legal challenges—which past individual cases would suggest is likely—then they, too, could begin a broader, far speedier, cleanup drive.

In a memorandum accompanying the proposal, OSHA said that it was encouraging full discussion. Written submissions should be sent to the OSHA Docket Officer, Docket No. H-090, Room S6212, United States Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210 by Dec. 8. A public hearing has been scheduled to begin on March 14, 1978.

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B U L L E T I N

N O. 6 1 0

September 26, 1977

UNITED AUTO WORKERS PETITION TO ESTABLISH AN

EMERGENCY TEMPORARY STANDARD FOR OCCUPATIONAL EXPOSURE TO ASBESTOS

Enclosed is a copy of a letter written by Mr. Douglas A. Fraser, President of the United Auto Workers to Mr. Ray Marshall, Secretary of Labor. This letter was written on July 6, 1977 and I received a copy of it at the recent meeting of the Asbestos Information Association in Washington.

Mr. Fraser is petitioning the Secretary to establish rules for occupational exposure to asbestos as the proposal appeared in the Federal Register on October 9, 1975. Along with medical surveillance, record keeping requirements, regulated areas and other controls in the workplace, there was the proposal to establish the 0.5 fiber per cubic centimeter maximum concentration for asbestos fibers. This proposal was to be a reduction from the current 2 fiber per cc level. By petitioning for an emergency standard, Mr. Fraser, among other things is attempting to speed the regulatory process and have the new standard finalized as soon as possible.

A copy of this letter is forwarded to you as a matter of information.

EWD/erc
Enc:
cc-Active Members (List C)
Regional Members (U.S.Dues)

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Executive Director

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DOUGLAS A. FRASER, PRESIDENT
EMIL MAZEY, SECRETARY-TREASURER

VICE-PRESIDENTS
PAT GREATHOUSE • KEN BANNON • DENNIS McDERMOTT • IRVING BLUESTONE • ODESSA KOMER • MARC STEPP • MARTIN GERBER

July 6, 1977

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The Honorable Ray Marshall,
Secretary of Labor,
U.S. Department of Labor,
Washington, D.C. 20210

Dear Secretary Marshall:

On behalf of the UAW I am writing to petition you to exercise your authority under Section 6(c) of the Occupational Safety and Health Act, 29 U.S.C. §655(c), to establish the proposed modification of the Occupational Standard for Exposure to Asbestos, 29 CFR 1910.1001, as an emergency temporary standard. In addition, the UAW petitions that as speedily as possible thereafter you commence hearings and promulgate a permanent standard consistent with recent medical findings, under Section 6(b) of OSHA, 29 U.S.C. §655(b), and 29 CFR 1911.3.

This petition is made on behalf of UAW members engaged in the manufacture of friction products, the repair and remanufacture of brakes and transmissions, maintenance workers in contact with asbestos insulation, chemical formulation workers and others who are regularly or incidentally exposed to this highly hazardous material.

These workers may suffer irreparable harm if the normal, time-consuming standard-setting process is pursued. The risk to health is documented by data presented in the preamble to the proposed standard, which notes that cancer can arise from both brief and low-level exposures to asbestos fibers. That proposal was dated September 30, 1975, over one and one-half years ago. Thus, any additional delay in acting on the proposal through normal channels, which could take additional years, may result in cases of lung cancer and mesothelioma which would have been prevented by improved control over the workplace.

The delay in promulgation of the standard affects our members in two major ways. First, we are aware of several plants in the friction products industry which apparently are in compliance with the current standard of 2 fibers per cubic centimeter, but in which obvious steps to control airborne asbestos exposure have not been taken. The current standard thus allows pollution to the limit of 2 fibers per cubic centimeter, and workers are exposed to levels of asbestos fibers which could easily be lowered.

In addition, the current requirements for protective clothing and locker room facilities are tied to the measurement of levels of airborne asbestos fibers in excess of 2 fibers per cubic centimeter. In our experience the clothing of workers becomes quite visibly contaminated with asbestos containing dust or mud where airborne asbestos measurements do not indicate a requirement for hygiene practices under the current standard. Therefore, workers may take asbestos home, serving to provide a continuing source of preventable exposure to themselves, and a completely unconscionable exposure to their families.

While these issues have been pursued through collective bargaining, the weakness of the current standard is a major obstacle. Where such demands are won, the companies employing our members are placed at a competitive disadvantage to other employers.

We are prepared to submit data and to testify in support of these assertions.

We are aware that the standards-setting machinery of OSHA is currently greatly overloaded with the need for initial regulation of many substances. The solution to this problem, however, should not be to delay action but to increase staffing and support for these activities.

The environment of asbestos-using operations which are apparently in compliance with the current standard of 2 fibers per cubic centimeter are visibly dusty although not highly contaminated. Our members are well aware of the health hazards of the dust which they come in contact with every day and demand better control. The fact that the application of the current OSHA standard does not furnish relief is damaging to the credibility of the entire OSHA effort.

For these reasons, the UAW is filing this petition to request that the proposed modification of the Occupational Standard for Exposure to Asbestos, 29 CFR 1910.1001 be adopted as an emergency temporary standard, and that as soon as possible thereafter, a permanent standard consistent with recent medical evidence be promulgated.

I would appreciate an early reply as to the steps which will be taken in this area.

Sincerely,

Douglas A. Fraser, President,
INTERNATIONAL UNION UAW.

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cc:Dr. Eula Bingham
OSHA Docket H-033