

ETHYL CORPORATION

INTER-OFFICE

To	E. J. Panichas	Address	BRT
From	D. E. Johnson	Address	BRT
Subject	Interpretation of Asbestos Regulation by OSHA	Date	December 26, 1978

We have come across some information relative to OSHA interpretation of the asbestos standard. The attached letter refers to a court decision which The Travelers Insurance Company apparently thinks is applicable [GAF Corp.(1977-1978 OSHD 21,916), U. S. Court of Appeals]. I would appreciate your assistance in obtaining the decision and interpretation rendered in this case.

D. E. Johnson

DEJ:bto

Attachment

cc: P. J. Sanders
~~C. L. Ter Haar~~
File: Houston Operations - Asbestos

E-00906

ETC 15370

THE TRAVELERS MEMORANDUM

DATE February 1, 1978

TO Engineers-In-Charge

Re: OSHA Interpretation of Medical Examination Requirement Rejected
Chemical and Environmental Manual: Section 215

The United States Court of Appeals has ruled that medical exams are required at all exposure levels for asbestos workers. Previously, Morton Corn, the former head of OSHA, had written waiver letters stating that employers would not be cited for failure to provide examinations of workers who were exposed to less than 0.10 fibers per cubic centimeter. The court rules that these letters written in January of 1977 have no legal effect.

The case, which was brought about by a citation issued to the GAF Corp., also established that OSHA may not amend a standard without following the rulemaking procedures defined by the Act. These decisions were held in *GAF Corp. (1977-1978 OSHD 21,916)*, U.S. Court of Appeals.

Due to the court's ruling, the letter written to The Travelers on March 4, 1977 is not valid. The copy of this letter included in Section 215 of your *Chemical and Environmental Manual* should be destroyed since it offers the same information as the January letters written by Morton Corn.

Please keep this ruling in mind when you evaluate any asbestos exposure.

Roger D. Tankersley
Staff Engineer
Engineering Division
Home Office

(Please insert this memo behind Section 215 in your Chemical and Environmental Manual.)

E-00907

ETC 15371