OSHA has decided to issue two separate standards regulating occupational exposure to asbestos, tremolite, anthophyllite, and actinolite: One that applies to workplaces in general industry (including maritime) and another covering construction worksites. In promulgating two separate standards for general industry and construction, OSHA is acting in accordance with the recommendations of the Advisory Committee for Construction Safety and Health (CACOSH), which has reviewed and commented on several versions of the new standard in the construction industry, most recently during CACOSH's deliberations on October 17, 1985, in Washington, DC. These standards will be codified at 29 CFR 1910.1001 for general industry and at 29 CFR 1926.58 for the construction industry. OSHA has developed separate standards for these two industry groupings in recognition of the vastly different conditions prevailing in the workplaces covered by general industry and construction standards. As the April 1984 notice pointed out (49 FR 14127 et seq.), OSHA's existing asbestos standard (29 CFR 1910.1001) was more suitable for fixed-site manufacturing workplaces and a workforce composed of long-term employees, rather than for the short-term projects and highly mobile workforce characteristic of the construction industry.

Support for a separate OSHA standard for construction came from all interested parties in this rulemaking, including the Building and Construction Trades Department (BCTD) of the AFL-CIO (Ex 87-2); CACOSH (Ex. 84-424); the Asbestos Information Association (EX. 84-307); the Associated General Contractors of America (AGC) (Ex. 84-457); The Safe State Program, University of Alabama (Ex. 601.X); and the AFL-CIO Steering Committee on Safety and Occupational Health (Ex. 606.X). These commenters supported separate standards for these two industry groupings because employee exposures to asbestos, tremolite, anthophyllite, and actinolite, appropriate methods of controlling exposures, and prevailing workplace conditions are substantially different in workplaces in construction and general industry.

Although the Summary and Explanation section of the preamble for the construction industry (Section XI of the preamble) discusses the record evidence as it applies to specific provisions of the final rule for construction, the reasons given by these commenters in support of a separate standard for construction can be summarized briefly as follows:

(1) The construction industry is characterized by non-fixed worksites that are temporary in nature and differ from those in general industry in regard to site conditions, size and scope of tasks, methods of operation, and environmental conditions.

(2) Employees in the construction industry often do not remain in construction or in the employ of the same employer for a long period of time, in contrast to employees in fixed-site manufacturing facilities.

(3) The unique characteristics of construction operations may make it necessary to tailor some of the requirements traditionally included in OSHA health standards to the specific needs of the construction industry.

OSHA finds merit in these arguments, and in response to the nearly unanimous support for separate standards for general industy and construction, the Agency is issuing separate final rules covering these respective workplaces. In addition, OSHA has tailored the requirements of the final construction standard to reflect differences in operations of various types within the construction industry itself. The record demonstrated these intra-industry differences in construction exposure and work conditions by pointing to the generally low exposures and well-controlled conditions prevailing in construction operations involving the installation of new asbestos-containing products and comparing them with those typical of major demolition, renovation, and asbestos removal construction operations. In recognition of this wide diversity in construction projects, the Agency has specifically identified in the final rule those additional requirements that apply to construction operations involving asbestos abatement activities. Requirements governing these potentially high-hazard operations are grouped separately in the construction standard under a heading clearly labeled "for removal, demolition, and renovation operations." For example, paragraphs (i)(1) through (i)(3) of the standard are grouped under the title "Protective clothing" and apply to all construction operations other than removal, demolition, and renovation operations, while paragraph (i)(4) is titled "Protective clothing *for asbestos removal, demolition, and renovation operations*" and applies only to such operations. Similarly, paragraphs (e)(1) through (e)(5) contain OSHA's requirements for regulated areas on construction projects other than removal, demolition, and renovation operations, while paragraph (e)(6) specifies the more extensive and stringent requirements for the enclosed negative-pressure regulated areas required for removal, demolition, and renovation operations. OSHA believes that tiering the construction standard to reflect differences in workplace conditions within this industry will simultaneously provide appropriate employee protection and encourage voluntary employer compliance with the final rule.

In publishing these two revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in construction and in general industry, OSHA is acting to regulate a hazard widely recognized by other Federal agencies, health experts, and the general public. The U.S. Environmental Protection Agency (EPA) has promulgated regulations controlling asbestos under the Clean Air Act, the Toxic Substances Control Act, and the Clean Water Act. Under section 6 of the Toxic Substances Control Act (TSCA), EPA is proposing to prohibit the manufacture, importation, and processing of asbestos-cement pipe and fittings, roofing felts, flooring felts (and felt-backed sheet flooring), vinyl-asbestos floor tile, and asbestos clothing (51 FR 3738-3759). These uses would be prohibited because EPA believes that safer, economically competitive substitutes for these products are available, and that "the manufacture, processing, and use of asbestos products leaves a legacy of asbestos in the ambient air" (51 FR 3739).

In addition, EPA is proposing to establish a permit system to phase out all other asbestos products. Under this system, EPA would permit current miners or importers to mine or import a specific quantity of asbestos. EPA would require this quantity to decline every year until, after 10 years, mining or importation would only be permitted under a specific exemption for those asbestos applications for which no substitutes had been developed. EPA is also considering requiring labeling for all asbestos products that are not banned, including products manufactured pursuant to permits issued by EPA during the phase-down period, or pursuant to an exemption process.

Emissions of asbestos to the ambient air are controlled under section 112 of the Clean Air Act, which establishes National Emissions Standards for Hazardous Air Pollutants. Regulations in 40 CFR Part 61, Subpart M, specify control requirements for most asbestos