PLAINTIFF'S EXHIBIT
GF-630

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OSHA STANDARD FOR EXPOSURE TO ASBESTOS DUST

Attached is a copy of the January 12, 1972 Federal Register proposing the establishment of a permanent standard for exposure to asbestos.

The exposure limits, requirements for respirators and controls on specific operations are the same as those promulgated under the emergency standard of December 7, 1971. Additional proposed rules are included on subsidiary issues. These relate to requirements for posting of warning signs, periodic monitoring of the work area, provisions for appropriate periodic medical examinations and maintenance of employee and monitoring records.

Written comments can be submitted by February 12, 1972 and oral data or views can be given at a hearing to be held in Washington, D.C. on March 14, 1972. A notice of intention must be filed by March 3, 1972 if our Company wishes to present its views.

We anticipate receiving the "criteria package" on asbestos proposed by the National Institute for Occupational Safety and Health within one week to ten days. This should provide some of the background data used to develop the federal standard.

We would appreciate any comments from the recipients as to what our approach should be relative to this subject.

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hearing examiner may prescribe. The hearing examiner shall regulate the course of the oral proceedings, dispose of procedural requests, objections, and similar matters, regulate the conduct of those present at the hearing by appropriate means, and shall exclude to the extent practicable irrelevant, immaterial, and unduly repetitious data or arguments. The hearing examiner shall have discretion to keep the record of the hearing open for a reasonable, stated time to receive written recommendations, and additional data, views, and arguments from any person who has participated in the oral proceeding. Upon completion of the oral proceedings, the transcript thereof, together with written submissions on the proposed rules, exhibits filed during the hearing, and any posthearing data, views, arguments, and recommendations shall be certified by the hearing examiner to the Assistant Secretary of Labor for Occupational Safety and Health for his decision. The Assistant Secretary may adopt the proposals with or without changes, or determine not to issue a rule.

Under the authority of section 6(b)(1) and section 7(b) of the Act, the Assistant Secretary of Labor for Occupational Safety and Health will request the recommendations of an advisory committee with regard to the proposed rules. The committee will be provided with copies of these proposals, together with all pertinent factual information which is, or may become, available to the Assistant Secretary, including any information submitted by the National Institute for Occupational Safety and Health. The advisory committee will be asked to submit to the Assistant Secretary written recommendations regarding these proposed rules within 45 days after the publication of this notice. The recommendations will be available for public inspection and copying. No other advisory committee will be consulted with regard to these proposed rules.

Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

§ 1910.93 [Amended]

1. Table G-3 in § 1910.93 (36 F.R. 15104, August 13, 1971) is proposed to be amended by deleting the following:

Asbestos—12 fibers per milliliter greater than 5 microns in length or • • • 2 Mppcf.

Tremolite • • • 5 Mppcf. [illegible] 20 mg/M³ / % SiO_2

If so amended Table G-3 would read as follows:

[illegible]

Substance	Mppcf	Mg/M³
Asbestos, including natural chrysotile [illegible]	20	80/% SiO_2
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction)		
less than 5% SiO_2		2.4 mg/M³ or 10 mg/M³ / % SiO_2 + 2
For more than 5% SiO_2		
Inert or Nuisance Dust:		
Respirable fraction	15	5 mg/M³
Total dust	50	15 mg/M³

NOTE: Conversion factors—
mppcf×35.3 = million particles per cubic meter
• particles per c.c.

[1] Millions of particles per cubic foot of air, based on impinger samples counted by light-field technique.

[2] The percentage of crystalline silica in the formula is the value determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

[3] As determined by the membrane filter method at 430 X phase contrast magnification.

[4] Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a M.R.E. the figure corresponding to that of 2.4 Mg. M³ in the table for coal dust is 4.5 Mg/M³.

2. A new § 1910.93a is proposed to be added to Part 1910, reading as follows:

§ 1910.93a Asbestos dust.

(a) *8-hour time-weighted average.* The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers longer than 5 microns per milliliter, as determined by the membrane filter method at 400–450 X (magnification) (4 millimeter objective) phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour, but for not more than 5 hours in an 8-hour day.

(b) *Methods of compliance.*—(1) *Engineering methods.* Engineering methods, such as, but not limited to enclosure, vacuum sweeping, and local exhaust ventilation, shall be used to meet the exposure limits prescribed in paragraph (a) of this section. Where such engineering methods are not feasible, or do not reduce the concentration of asbestos below the limits prescribed in paragraph (a) of this section, respiratory protective devices shall be provided and used in accordance with subparagraph (2) of this paragraph.

(2) *Other methods.* [illegible] When the [illegible] exposure to asbestos dust prescribed in paragraph (a) of this section are exceeded, and engineering controls required by subparagraph (1) of this paragraph are not feasible or do not reduce the concentration of asbestos dust below the limits prescribed in paragraph (a) of this section, the employer shall require the use of respiratory protective devices. The selection of respiratory protective devices shall be limited to those specified in paragraph (c) of this section.

(ii) The employer shall require that each employee test his respiratory protective device before each use in order to insure a proper fit according to the manufacturer's instructions. The employer shall further provide for effective training or supervision of employees in the testing of respiratory protective devices for fit before their use.

(c) *Allowable respirators.* (1) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 5 fibers longer than 5 microns per milliliter, but not to exceed 25 such fibers, and when a concentration over a period of 15 minutes exceeds 10 fibers longer than 5 microns per milliliter, but does not exceed 50 such fibers, a reusable or single use filter type respirator, operating with negative pressure during the inhalation phase of breathing, approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B), shall be used.

(2) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 25 fibers longer than 5 microns per milliliter but not to exceed 250 such fibers, and when a concentration over a period of 15 minutes exceeds 50 fibers longer than 5 microns per milliliter but does not exceed 500 such fibers, a powered filter positive pressure respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B) shall be used.

(3) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 250 fibers longer than 5 microns per milliliter a type "C" positive pressure supplied-air respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 19B) shall be used.

(4) The employer shall establish a respirator program in accordance with the requirements of American National Standard Practice for Respiratory Protection Z88.2—1969.

(5) The respirators provided each employee shall be properly inspected, cleaned, repaired, and stored.

(d) *Particular operations and practices.* (1) When an employer has employees who are exposed to asbestos dust resulting from the operations or the use of tools described in the remaining subparagraphs of this paragraph (d), the employer shall comply with the requirements of this paragraph. The requirements of this paragraph shall apply at all times except in accordance with the requirements of paragraph (c) of this section may be applicable to the task thereof.

(2) Asbestos [illegible] operations in which [illegible] dust such as but not limited to [illegible] scrapers [illegible]

wheels, and drills, shall be provided with local exhaust ventilation and dust collectors in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems: ANSI Z9.2—1971.

(3) Employees exposed to the spraying of asbestos, to the demolition of pipes, structures, or equipment covered or insulated with asbestos, or to the demolition of insulating strippings, shall be provided with respiratory protective devices in accordance with paragraph (c)(3) of this section.

(4) Asbestos cement, mortar, coatings, grout, and plaster shall be mixed in closed bags or other closed containers.

(5) Asbestos waste and scrap shall be collected and disposed of in sealed bags or other closed containers.

(6) Accumulation of asbestos dust shall be removed, as soon as practicable, and only by vacuum cleaners.

(e) *Warning signs*—(1) *Posting.* Warning signs shall be provided and displayed at each location where asbestos dust hazards are present. Signs shall be posted at least 50 feet in each direction from the location where the hazard is present, and at intervals of not more than 100 feet along each edge of the area where the hazard is present.

(2) *Sign specifications.* The warning signs shall conform to the requirements for 20" x 14" vertical format signs specified in § 1910.145(d)(2), and to this paragraph. The signs shall display the following legend in the white panel, with letter sizes and styles of a visibility at least equal to that specified in the notation in the following column to the right:

Legend:	Notation
Asbestos	1" Sans Serif Gothic or Block.
Dust Hazard	½" Sans Serif Gothic or Block.
Follow these	¼" Gothic.
Safety and Health Rules.	½" Sans Serif Gothic or Block.
1. Avoid breathing dust.	¼" Gothic.
2. Wear your respirator.	¼" Gothic.
3. Do not remain in area unless your work requires it.	¼" Gothic.
Asbestos dust may cause asbestosis, a severe lung disease, and is implicated in the development of certain cancers. Control of exposure to asbestos dust helps protect against these hazards	14 point Gothic.

(3) *Spacing.* Spacing between lines shall be at least equal to the height of the upper of any two lines, except that the spacing between "Following these" and "Safety and Health Rules" shall be at least ¾".

(f) *Monitoring*—(1) *Personal.* Employees engaged in the particular operation, or using the particular tools specified in paragraph (d) of this section, or exposed to concentrations of asbestos dust in excess of the limits specified in paragraph (a)(3) of this section shall be monitored in accordance with this paragraph.

(i) *Method.* Dust samples shall be collected from within the normal breathing zone of the employees in their normal working posture. Employees wearing respiratory protective devices shall have the sample taken from a point located on the exterior of the respirator facepiece.

(ii) *Procedure.* The sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) *Sampling duration.* The sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) *Sampling frequency.* Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(2) *Environmental.* Environmental monitoring shall be conducted in all areas in which employees are exposed to concentrations of asbestos dust in excess of the limits specified in paragraph (a) of this section.

(i) *Method.* Asbestos dust samples shall be collected from areas which are representative of the concentration of airborne asbestos dust which may reach the breathing zone of exposed employees.

(ii) *Procedure.* Sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) *Sampling duration.* Sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) *Sampling frequency.* Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(g) *Medical examinations.* The employer shall provide, or make available at his cost, appropriate medical examinations on a periodic basis to any employee who is exposed to asbestos dust in excess of the limits specified in paragraph (a) of this section.

(h) *Records.* (1) Every employer shall maintain records of the personal and environmental monitoring, and of the medical examinations, required by paragraphs (f) and (g) of this section. Such records shall be maintained for at least 20 years.

(2) The records of monitoring shall be made available for inspection and copying to the Secretary of Labor and to his designated representatives.

(3) The records of medical examinations shall be made available only to the Secretary of Labor, to the Secretary of Health, Education, and Welfare, to designated representatives of either of them, and, at the request of the employee or former employee examined, to a physician.

3. A new § 1910.19 is proposed to be added to Subpart B of Part 1910 as follows:

§ 1910.19 Asbestos dust.

Section 1910.19 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16 of this Subpart B, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by reason of any of those sections.

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655; 29 CFR 1910.4; Secretary of Labor's Order No. [illegible]; 37 F.R. 8754)

Signed at Washington, D.C. this 5th day of January 1972.

G. C. GREATHEAD,
Assistant Secretary of Labor.

[FR Doc. 72-402 Filed 1-11-72; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES

Proposed Identity Standards Regarding Labeling Requirements

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing that identity standards for certain specified cheeses be amended to require that: (1) the full name of the food appear on the principal display panel of the label in type of uniform size, style, and color; (2) wherever any word or statement emphasizing the name of any ingredient appears on the label (other than in circumstances described below) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food immediately and conspicuously precedes or follows such word or statement in type of at least the same size as the type of such word or statement; and (3) optional ingredients be listed conspicuously, either on the principal display panel of the label or on a single appropriate information panel, in accordance with specifications that are consistent with similar specifications for many other food products.

Accordingly, it is proposed that Part 19 be amended:

1. In § 19.750(f) by revising subparagraph (6) and adding new subparagraphs (7) and (8) as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(6) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(7) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than in circumstances described in subparagraph (8) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food immediately and conspicuously precedes or follows such word or statement in type of at least the same size as the type of such word or statement.

(8) [illegible]

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