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PLAINTIFF'S EXHIBIT

CAP-1525

November 4, 1971

Hon. James D. Hodgson
Secretary of Labor
U. S. Department of Labor
Washington, D.C.

Dear Secretary Hodgson:

On behalf of the American Federation of Labor and Congress of Industrial Organization and of the Industrial Union Department, AFL-CIO, I am requesting that you promulgate an emergency standard governing the industrial use of asbestos in accordance with Section 6(c)(1) of the Occupational Safety and Health Act of 1970.

After careful evaluation of a brief prepared on our behalf by Dr. Irving J. Selikoff and his staff at Mt. Sinai Medical School, the AFL-CIO and the Ad Hoc Committee on the Asbestos Hazard of the Industrial Union Department, AFL-CIO, concludes:

A. Industrial application of asbestos, either in the manufacture or further use of asbestos-containing products is presently exposing five million workers to increasing concentrations of airborne asbestos dust. Epidemiological studies show incontrovertibly that occupational exposures to asbestos fibres in the United States have resulted in appallingly high rates of asbestos-related diseases: asbestosis, lung cancer, mesothelioma of pleura and peritoneum and other cancers.

B. The first incipient stages of a massive epidemic of asbestos-related diseases already exist. Only drastic and immediate action will contain and slow the developing incidence and prevalence of death from these diseases. Current incidence and prevalence reflect the relatively low use of asbestos prior to 1930. Current use is approximately eight times the 1930 level.

C. The existing standard adopted under the Act as an interim measure for the control of asbestos dust does not facilitate a determination, and is not a description, of the existence of an atmosphere safe and without impairment to health in the workplace where asbestos is in use.

D. The existing standard is unenforceable and impracticable. Indeed, it is a license to jeopardize without effective restraint, the lives of millions of workers.

E. Based on the known capability of the Departments of Labor and Health, Education and Welfare, many months, if not years, will elapse between now and the effective date of a permanent standard.

F. It has been demonstrated in this country and in Great Britain, that existing state of the art work practices and engineering controls can be initiated to substantially reduce airborne asbestos concentrations in the workplace below a more stringent British standard. An enforceable and practical performance standard that can be implemented immediately is then feasible.

Therefore, since grave danger from this toxic substance exists, we respectfully submit the following recommendations for inclusion in an emergency standard: to protect employees from such danger:

1. An emergency bulletin be disseminated by mail and by the mass media describing the nature of the hazard.

2. The bulletin must prescribe an appropriate warning to be labeled on each container of asbestos and asbestos products, such warning to be posted wherever these are present. Such other workers' rights prescribed in the Act for inclusion in the provisions for standards, must of course, be included.

3. The bulletin must prescribe a meeting of employers and employees in each affected workplace to agree upon work practices and personal protection which could be expected to reduce the concentration of asbestos fibre to 2/pcm.^{3} and can be implemented immediately.

4. The bulletin must detail temporary engineering controls, including process changes and substitutions, designed to minimize the concentration of airborne asbestos.

5. The bulletin must require each employer conducting any physical or biological tests of workers, the workplace atmosphere, control equipment, or any abatement procedures to inform all affected employees and employee representatives of the time, place, circumstances and other details which would enable worker observation of such tests and access to any resulting records. Workers must be enabled to conduct the same tests using accepted certified practices. Samples must be analyzed in government laboratories.

Concurrent with this action, we request that you notify the Chairman of the Atomic Energy Commission, the Secretaries of Defense, Interior, and Health, Education and Welfare, and the governors of all states to apprise them of your action, to recommend concurrent action to protect military and civilian employees for whom they have responsibility and to request consistent and equally effective protective measures. In addition, we request an immediate Executive Order detailing similar measures for the protection of all federal employees.

Furthermore, we suggest that you apprise the Administrator of the Environmental Protection Agency of any actions that you may take and of the evidence upon which these actions may be based to enable him to investigate the necessity for invoking the imminent danger provisions of the Clean Air Act as amended in 1970 to protect our families and communities from the effects of ambient asbestos that escapes from the workplace.

Lastly, we request a meeting with you and appropriate staff within 30 days to discuss possible means by which we may assist you to fulfill your obligations under the Act.

We are well aware of the difficulty of the tasks before you and pledge our full cooperation.

Sincerely yours,

George H. R. Taylor, Executive Secretary
AFL-CIO Standing Committee on Safety
and Occupational Health

Attachments:
Endorsement of Ad Hoc Committee
Substantiating Brief