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RECENT DEVELOPMENTS
REVISED OSHA ASBESTOS STANDARD

As you know, the Occupational Safety and Health Administration, U. S. Department of Labor, is planning to revise the present asbestos standard. It is our belief they decided to do this because the Industrial Union Department, AFL-CIO filed suit against the Secretary of Labor petitioning for reconsideration of seven sections of the standard. The basic claim of the suit -- that the standard was inadequate to properly protect the health of workers exposed to asbestos.

In our first discussions with OSHA personnel concerning their future actions, we formed the opinion that they would prepare a major revision or complete rewrite of the present standard.

✓ On April 15, 1974, the Circuit Court of Appeals rendered its decision on the IUD lawsuit. The decision was basically favorable to the Department of Labor, since it denied all but two issues. These two, which were remanded to the Secretary of Labor for further consideration, are:

- ✓ (1) The uniform application of the 1976 effective date for the two fiber asbestos standard.
- (2) The three year retention period for records of exposure levels detected by monitoring the workplace.

The Appeals Court's decision presently is being studied by the Solicitor General's office who in turn will recommend to the Secretary of Labor the course of action he should follow.

This recommendation has not as yet been received by the Secretary. However, in discussing the Court's decision with people in the Division of Health Standards who are responsible for preparation of the revised asbestos standard, we have concluded that it has changed their thinking. The apparent preference now is to amend the present standard, including rewording and addition of new sections; but not to do a major revision or complete rewrite.

We believe that prior to the court decision OSHA had been thinking of a new standard written around work practices. This has now changed. While OSHA officials still want industry to submit suggested work practices for inclusion in the amended standard, the scope and effective thrust of the work practices section will be lessened. Also,

OSHA is now putting more emphasis on industry comment concerning the problems of the present standard and suggestions for rewording and amendment.

The asbestos industry input is being provided by the Standards & Technical Committee of the Asbestos Information Association/North America, consisting of 13 members under chairmanship of E. M. Fenner of Johns-Manville. They expect to complete their input on work practices and other areas by July 15 and, at the present time, are not able to estimate when OSHA will issue a new proposed standard for asbestos.

In order to provide you with greater detail on the subject, we are attaching comments from the April 22 and April 25 issues of the Occupational Safety and Health Reporter.

Concerning the two items remanded by the court to the Secretary of Labor, it is our opinion:

- (1) that the effective date of the 2 fiber standard will not change, and that staggered implementation dates will not be utilized.
- (2) that the retention period for monitoring records will increase - possibly to twenty years.

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