

American Petroleum Institute
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P. N. Gammelgard
Vice President

February 9, 1976

Docket Officer
Docket H-033
U. S. Department of Labor
Room N-3620
200 Constitution Avenue, NW
Washington, D. C. 20210

Dear Sir:

Enclosed are four copies of comments of the American Petroleum Institute on Occupational Exposure to Asbestos, Notice of Proposed Rulemaking. An invitation to comment was published in the Thursday, October 9, 1975 FEDERAL REGISTER, Vol. 40, No. 197, pages 47652-47665.

Sincerely,

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Enclosures

PLAINTIFF'S EXHIBIT

SH-3652

LAM 030333

ABS-012388

COMMENTS OF THE
AMERICAN PETROLEUM INSTITUTE

The American Petroleum Institute (API) is a voluntary, non-profit organization representative of the petroleum industry throughout the United States. Currently, API membership approximates 8,000 individuals and 350 companies. Its members are engaged in all facets of the petroleum industry, including production, transportation, refining, and marketing of petroleum and its products.

These comments are made in response to an invitation to submit data, views, and arguments concerning a standard for OCCUPATIONAL EXPOSURE TO ASBESTOS which appeared in the Thursday, October 9, 1975 Federal Register, Vol. 40, No. 197, pages 47652-47665. Comments are due by February 9, 1976. The proposed rulemaking has been reviewed by the Interdepartmental Committee on Occupational Safety and Health which includes corporate medical directors, occupational physicians, industrial hygienists, toxicologists, safety coordinators and other health professionals from member companies of the Institute. In most cases the committee members have responsibility for the planning of their respective companies programs for the prevention, control, and management of occupational injuries and illnesses.

General

The present standard (i.e., 5 fibers greater than 5 micrometers in length per ml of air) and promulgated reduction (i.e., 2 fibers greater than 5 micrometers in length per ml of air) effective July 1, 1976, are based on British data in one textile mill. This data indicated that exposure to the equivalent of 4 to 15 fibers per ml of air caused comparatively little clinical and/or x-ray evidence of asbestosis. The standard effective July 1, 1975, is based on calculations (not in fact confirmed by exposure-medical data) to have a 1% risk of developing early signs of asbestosis for an exposure of 100 fiber-years/ml of air. The same data indicates no significant increase in cancer mortality in this textile plant where conditions were improved in 1933, 42 years ago.

Evidence presented in defense of reducing the standard to 0.5 fibers per ml of air is based on a study indicating serious differences in the results of x-ray findings between 1966, when little clinical evidence was noted, and 1970 when apparently significant abnormal findings were found. We seriously question these findings since it is highly improbable that such a change could occur in a short period of 4 years

Comments of the
American Petroleum Institute
Exposure to Asbestos

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after 33 years of "no problems." Observer error or a change in criteria is more likely the cause for these differences, but certainly independent review of this data is required.

New evidence under the cancer heading generally quotes the increasing number of cases, possibly associated with asbestos exposure, but fails to give exposure data. In most cases, these individuals were exposed to airborne levels many times in excess of today's standard and the promulgated reduction. In other cases, inference is made to air pollution type data among the exposed general public which should not be the basis of an occupational standard. Also quoted is a paper (Howard, Kinlien, Lewinshohn, Peto and Dole, 1975) presented at the XVIII International Congress on Occupational Health, Brighton, England, 1975. This paper was presented verbally in September of 1975 and has apparently not yet been published so that critical review and study by U. S. industry can be made.

Since there has been only limited exposure-medical experience in the U. S. at the present standard and no experience at the reduced standard, i.e., 2 fibers per ml, we feel OSHA has no firm basis for their proposed reduction to 0.5 fibers per ml. Sufficient time is needed to study the results of past reduction in the exposure limit, which have occurred over a relatively short period of time, before any further drastic reductions are made. This time period would also allow further medical study into whether individual susceptibility does or does not play the major role in asbestos-related cancers.

In addition to the comments concerning OSHA's toxicological data used as a basis for their proposed regulation, our concern is the applicability of the regulatory requirements to our type operations.

At the present time, the major potential exposure to asbestos is limited to insulators when removing old insulation containing asbestos. Their potential exposures are "unique" in that they have a multiple of non-fixed workplaces, not all are involved in the removal of insulation at the same time period and there is a gradual decrease in asbestos containing insulations due to replacement with the asbestos-free variety. A standard such as proposed would appear to be applicable where asbestos handling is routine and the potential for exposure is greater.

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1910.1001 Asbestos

(a) Scope and Application

Exception to certain facets of the Regulations should be granted for the removal of insulation containing asbestos because of multiplicity of non-fixed workplaces and low frequency of potential exposure.

(c) Permissible exposure to airborne concentrations of asbestos fibers (1) 8-hour time weighted average concentration.

The proposed allowable limit of 0.5 fibers per cubic centimeter is a drastic reduction in the present standard of 5 fibers per cubic centimeter and the July 1, 1976, standard of 2 fibers per cubic centimeter. If the allowable limit is lowered, it should be gradually reduced over an extended period of time (5 years). This would allow for technological changes and more scientific data to be developed.

(2) Ceiling Concentrations

A ceiling concentration of 5 fibers per cubic centimeter of air does not take into account frequency of exposure to this limit. Preliminary test results indicate compliance with the proposed regulations when the wet method of removing insulations is utilized. However, when accessing the situation realistically, certain types of stripping jobs could produce airborne concentrations of asbestos fibers greater than the allowable limit. Even though these jobs are limited, employees are nonetheless required to wear respiratory protection. This should constitute a "no exposure" therefore exempting this type situation from the ceiling concentration phase of the standard.

(d) Regulated Areas

Because of the multiplicity of non-fixed workplaces

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when removing insulation this phase of the regulations would be extremely difficult to comply with, especially a daily roster of all persons entering a regulated area.

(e) Monitoring

(3) There is serious doubt that the suggested counting technique is reliable in the 0.5 fibers/ml range.

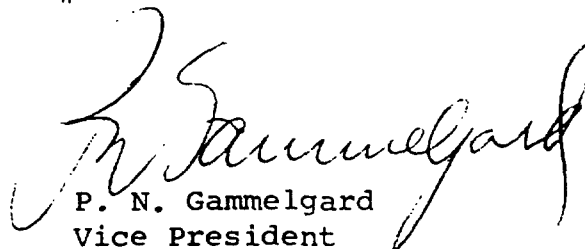
(f) Method of Compliance

(4) (ii) (b) refers to respiratory equipment and protective clothing in accordance with paragraph (g) of this section which only pertains to respiratory protection. This section should also reference (h) which is personal protective clothing.

(g) Respiratory Protection

(3) (IV) Rotation of employees to another job or giving an employee the opportunity to transfer to a different position with the same seniority, status and pay could pose serious problems to an employer. This requirement is not included in the Act.

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