



A/C Pipe
Producers Association

Executive Committee

TO

J. F. Welch
J. F. Welch, Vice President

FROM

SUBJECT

U. S. Occupational Safety and Health Administration (OSHA) - Meeting with Building and Construction Trades Department (BCTD)

Internal Correspondence

DATE

September 7, 1984

ACTION REQUIRED: Review for information

On September 7, 1984, Staff (Welch), Bob Pigg (AIA/NA), Tim Hardy and Art Sampson (Kirkland and Ellis) met with Jim Lapping, Director of the Building and Construction Trades Department of the AFL/CIO, Joe Adam, Director of the Plumbers and Pipe Fitters Union, and Elihu Liefer, Esq., counsel to BCTD. The meeting was called at BCTD's request.

Liefer opened by exploring the extent to which AIA/NA might support in its post-hearing brief a jointly-developed model standard for installation of new asbestos-containing products. He said that BCTD was interested in an asbestos standard for all construction operations and especially wanted such a standard to go into effect when the final general industry (fixed workplace) standard is promulgated in June, 1985. BCTD is strongly opposed to a standard which would merely be a revision or modification of the general industry asbestos standard. It is similarly opposed to any action that would further delay issuance of a construction standard e.g. the National Constructors Association recommendation that OSHA propose a detailed rule for comment and public hearings in 1985.

Tim Hardy said that the asbestos industry affirmatively supported the prompt issuance of a construction standard, but obviously was concerned about the standard's content. He expressed the opinion that it was more logical from OSHA's perspective to propose a construction standard rather than proceed directly to a final standard. The possibility of using OSHA's Construction Advisory Committee as a means to effect public notification and comment also was discussed.

When asked about industry support for BCTD's position on a 0.1 f./cc TWA permissible exposure limit (PEL), Art Sampson recommended that the issues of PELs and significant risk be separated from the content of the construction standard. In other words, the prevailing opinion was to "agree to disagree" on PELs. All parties noted that the PEL issue was largely symbolic, which made negotiation difficult. In no way was it suggested that industry would waiver on its 0.5 f./cc TWA position.

The potential scope and content of a construction industry standard for installing new asbestos-containing products was then discussed. Generally speaking, it was felt that if work practices provided by the product or equipment manufacturer resulted in TWA exposures less than 0.1 f./cc., many of the regulatory burdens should be lifted, including monitoring and possibly medical surveillance. However, BCTD's position was that the following items still should be in the standard.

- o Worker education and training.
- o Designation of a competent person responsible for "asbestos operations" (similar requirements exist in other construction standards e.g. blasting, rigging and scaffolding).



A/C Pipe
Producers Association

Page 2

- o Employer reporting/pre-notification and bonding requirements.
- o Employee certification by employer i.e. that employee is trained in recommended field operations.
- o A respiratory protection program (only if exposures are greater than 0.1 f/cc TWA).
- o Spill emergency procedures (?).
- o Signs in the work area and labels on the product.
- o Recordkeeping only if the 0.1 fiber per cc trigger was exceeded.

After extensive discussions, Kirkland and Ellis was requested to draft a working document that would be the focal point for future discussions. It is possible that all parties may meet again within the next 10 days. A draft joint standard maybe discussed at the AIA/NA Executive Committee meeting on September 18, 1984.

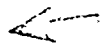
If you have any questions, please do not hesitate to call.

JFW/bwm

cc: A. H. Kahn, Esq.
Timothy S. Hardy, Esq.

copies to: Executive Committee

L. Ambler
L. Taylor
J. Jackson



0172090602
Chrono