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// Review Directed on Asbestos Medical Examination Rulings

C Review Commissioner Timothy P. Cleary has directed review of two cases in which the Judges held that the safety standard on asbestos exposure requires medical examinations for employees exposed to any level of airborne asbestos fibers.

The similar rulings were made in two cases brought against GAF Corporation, which manufactures building materials, following plant inspections in Whitehall, Pa., and St. Louis, Mo. The Judges both held that medical examinations were necessary for all employees, not merely those exposed to asbestos levels in excess of amounts allowed by the standard (five fibers longer than five micrometers, per cubic centimeter of air). Both violations

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were considered to be nonserious. A \$40 penalty was affirmed in the Pennsylvania case; none was recommended in the other (See ¶ 18,289 and 18,312, EMPLOYMENT SAFETY AND HEALTH GUIDE).

The company argued in its petition for review that medical examinations are required only for those employees exposed to more than the five-fiber limit. The term "concentration" in the medical examination provision relates to the level of maximum permissible exposure, the petition stated. The NIOSH criteria document on asbestos recommended setting exposure levels at two fibers, so it would be unreasonable to consider a "concentration" to be less than that amount, it argued.

Furthermore, the California state plan requires exams only if exposure exceeds one fiber per ccm, and since this plan was approved by OSHA, it must be considered as effective as the federal one, the petition stated. It also argued that the standard was unenforceably vague, and that the Secretary was attempting to carry out programs of experimentation and research at the employers' expense.