



Current Report

Asbestos**OSHA WORKS GROUP CALLS FOR ELIMINATION
OF NONESSENTIAL ASBESTOS USE AND REDUCED LIMITS**

The current workplace standard for asbestos should be revised to call for elimination of nonessential asbestos use, and reduction of worker exposure to the lowest possible level where the substance must be used, an interagency working group urged.

The recommendations by the Occupational Safety and Health Administration and National Institute for Occupational Safety and Health work group on asbestos came in a report transmitted to OSHA Administrator Eula Bingham and NIOSH Director Anthony Robbins.

According to the work group, which was appointed last fall by Bingham and Robbins, the current asbestos standard of two fibers per cubic centimeter of air is "grossly inadequate" to protect workers against asbestos-related disease. "Compelling evidence" indicates that the limit should be set "far below" that level, the group asserted.

The group said it could not present a "precise dose-response relationship" for asbestos diseases, because of a lack of epidemiological data. It added, however, that a significant consideration in establishing a permissible exposure limit should be the lowest level of detectable asbestos exposure.

That level currently is 0.1 fibers greater than five micrograms in length per cubic centimeter of air, as measured over an eight-hour period, the group noted.

Whatever permissible exposure limit is established, a revised standard should require employers to institute the "best" engineering controls and work practices available, the group recommended. Protective clothing and hygiene facilities also should be provided.

Respirators were not viewed by the group as a "suitable" substitute for these control measures.

The committee cautioned, however, that even where exposure is controlled to levels under 0.1 fibers per cubic centimeter, "there is no scientific basis for concluding that all asbestos-related cancers would be prevented."

Appropriate medical surveillance programs are "crucial" for detecting and minimizing the progression of some asbestos-related diseases, the committee stated. Considerable emphasis should be placed on baseline medical examinations for exposed or potentially exposed workers, the group maintained, including:

- ▶ A postero-anterior chest X-ray.
- ▶ Spirometry, including forced vital capacity and forced expiratory volume in one second.
- ▶ A physical examination of the chest, including auscultation for the presence or absence of rales, rhonchi, and wheezing.
- ▶ An assessment of the presence or absence of finger clubbing
- ▶ A history of respiratory symptoms and conditions, including tobacco smoking.

An occupational history should include a history of exposure to asbestos and to other substances of "real or potential medical significance," the group stated.

Sputum cytology should be evaluated in the development of an improved medical surveillance program, the committee asserted, adding that sputum cytology may prove to be a "valuable supplement" to X-ray evaluation.

Provisions in OSHA's lead standard for medical removal protection and multiple physician review of workers are relevant to asbestos workers and should be considered as part of a revised asbestos standard, the group recommended.

Effects of Smoking

Studies on cigarette smoking and asbestos exposure indicate that "both asbestos and smoking are independently capable of increasing the risk of lung cancer mortality," the committee maintained.

By itself, asbestos is a carcinogen capable of causing lung cancer and mesothelioma, the group stated. When exposure to both asbestos and cigarette smoke occurs, "the combined effect with respect to lung cancer appears to be multiplicative rather than additive," it said.

Because of this effect, smoking should be an issue of "particular emphasis" in the development of educational programs for workers under a proposed standard, the group recommended.

A revised asbestos standard should address the construction and maritime industries as well as general industry, the group maintained. Regulation of construction and maritime activities "should be structured around the principle that where work must be done using asbestos, only those employees needed to do this work should be present, and only for the minimum period of time needed to complete this work," it suggested.

Because of sampling difficulties associated with asbestos, manufacturers of asbestos-containing products should perform detailed monitoring to predict the types of exposures which could result from all foreseeable uses of the products, including misuse, the group recommended. The monitoring should be done, it added, through electron microscopy to identify fiber-type mix and the presence of fibers less than five micrograms in length.

Need for Revision

In discussing its reasons for urging changes in the current standard, the working group said that the existing two fiber limit was developed in 1969 by the British Occupational Hygiene Society "for the limited purpose of minimizing asbestosis." However, disease data collected since that time "strongly suggest that this standard is insufficient to prevent a large incidence of asbestosis," it added.

All levels of exposure studied to date have demonstrated asbestos-related disease, indicating that there is no level of exposure below which clinical effects do not occur, the group asserted.

The report also cited "dramatic evidence" of asbestos-related disease in members of asbestos-worker households, and in persons living near asbestos-contaminated areas. These cases involved low level and intermittent exposures, with "significant disease" found in conjunction with "very short" exposure periods, the group stated.

Members of the working group from OSHA included Robert Jennings, a special assistant to Bingham; Han K. Kang, health scientist; and J. William Lloyd, senior epidemiologist. NIOSH members included John M. Dement, deputy director of the respiratory disease studies division.

David H. Groth, chief of the pathology section, division of biological and behavioral sciences; Richard A. Lemen, assistant chief of the industry-wide studies branch; and Joseph K. Waggoner, senior epidemiologist. Lemen was chairman of the group.

Legislation

OSHA, CHAMBER OF COMMERCE, PANEL DEBATE NEED FOR AMENDMENTS TO OSH ACT

The April 15 opening session of Senate hearings on a bill to amend the law which established the Occupational Safety and Health Administration found the bill's sponsor and top OSHA officials in debate over the need to legislate changes to OSHA's inspection policies.

Senator Richard S. Schweiker (R-Pa), sponsor of the "Occupational Safety and Health Improvements Act of 1980" (S 2153) charged that a General Accounting Office investigation of OSHA inspections found that "two out of three inspections misfired" by finding no serious hazards.

But OSHA Administrator Eula Bingham, accompanied by Deputy Assistant Basil Whiting and OSHA Solicitor Benjamin Minz, said that the statistic also could be interpreted as meaning that one-third of all complaints, coming mostly from workers not sophisticated about safety and health hazards, found serious health hazards. She said that of complaints received from unions which are training employees in the recognition of health and safety hazards, as many as 80 percent are found to be serious.

Bingham said the Schweiker bill's proposed changes in OSHA's procedures for responding to employee complaints would "deprive workers of one of their fundamental rights." She said that except for "extreme circumstances," the bill would preclude OSHA from inspecting even serious safety complaints unless the employer failed to give satisfactory assurance to OSHA that the hazard was abated (Current Report, December 27, 1979, p. 699).

In rebuttal, Schweiker said his bill would permit OSHA to conduct health inspections and inspections of serious hazards if the employer did not abate them. He added that the measure is based on OSHA's new system for responding to informal complaints.

Bingham responded that the agency is using the new system only on an experimental basis, and only for informal, or unwritten, unsigned, complaints. She said it is too early to judge the results of the agency's new system.

"We are arguing against putting such a procedure in concrete," Bingham testified.

In response to a question from Senator Orrin Hatch (R-Utah), Bingham said she saw no need to legislate changes in the agency.

But Hatch replied that on the basis of a wide "polarization" between labor and industry, and industry and OSHA, "there will be an OSHA bill, if not this year, then the next."

Workers' Compensation Data Inadequate

Bingham testified that the bill's proposed method to determine what firms will be exempt from routine OSHA inspections is flawed because of the difficulties in securing accurate, similar workers' compensation data from all states.

The bill would automatically exempt from routine OSHA safety inspections any firm which reported no lost workday injuries in a particular year in workers' compensation reports submitted to State authorities. Firms which reported a low number of lost workday injuries, based on the firm's size and the national average lost workday rate, would be exempt from the inspections by filing an affidavit with OSHA.

"The bill envisions minimizing recordkeeping and paper work by having the Secretary of Labor enter into agreements with States to furnish data from workers' compensation reports," Bingham said. But she added there are many obstacles to using such data, "even should the States choose to cooperate."

Bingham provided the committee with three charts depicting the types of information which would be available from each state, and depicting the differences in data collected by each state. The charts are reprinted in the Full Text section of this Current Report.

Bingham said that even if state systems were uniform in data collection, and even if state participation in the OSHA exemption program were required, not all lost workday injuries would be reported.

"For example, self-insured employers and carriers are not required to report certain uncontested workers' compensation claims in some states," Bingham said. She added that many lost workday injuries that are not compensable may not be reported, and that some disabled workers do not apply for workers' compensation because of, among other reasons, preference for sick leave at full pay.

"The consensus among Department of Labor experts and others familiar with the intricacies and vagaries of the various state workers' compensation systems is that very few states — possibly none — would be both able and willing to furnish adequate data to comply with the provisions of the exemption proposed in S 2153," Bingham said.

Support with Reservations

In testimony given by its treasurer, Robert T. Thompson, the Chamber of Commerce of the U.S. reiterated "strong support" for the concepts and underlying principles of this bill, but noted that the Chamber has reservations about the feasibility and equity of certain provisions in the bill.

The Chamber also criticized the use of state workers' compensation data to identify workplaces with "good" safety records.

"We strongly question the wisdom and feasibility of using this data, especially where less burdensome methods for identifying good safety records already exist," Thompson testified. "Such requirements would add substantial costs and increase reporting requirements, both of which are unnecessary to implement the components of S 2153."

The Chamber said a better alternative would be to use the OSHA log and summary of occupational injuries and illnesses. The part of the form which employers are required to post in the workplace each February could be forwarded to OSHA "with minimal expense and inconvenience," Thompson said.

Firms with fewer than 10 employees are not required to maintain the log and summary, Thompson noted, but he added that an exemption system could be enacted on the basis of the Schweiker amendment to the Department of Labor appropriations bill (Current Report, August 2, 1979, p. 211).

"Attempts to legislate on appropriations bills demonstrate the frustrations of members of Congress, their constituents, and the business community with the failure of the normal legislative process to face head-on the issue of OSHA reform," Thompson said.

Calling the Schweiker proposal "moderate" and "a responsible attempt to improve workplace safety and health," Thompson criticized what he called organized labor's "steadfast" opposition and OSHA's "smug" denouncing of the bill as "legislative interference."

"Only the business sector has offered constructive concern for a bill which, though not without significant problems, is a reasonable and proper step toward lessening the conflict and