

groups, designated by farm workers as a group to represent farm workers interests, direct access to information, except confidential medical records."

As far as the AFL-CIO is concerned, the provision for agricultural workers contains two deficiencies that also are present in the final access standard for other industries, and which in fact have prompted the federation to take legal action (Current Report, May 29, p. 1203).

The federation wants both standards amended to allow designated representatives access to individual records with personal identifiers removed and union designated licensed physicians to be allowed to review medical information "for the purpose of conducting epidemiologic studies when good cause is shown."

Publications

GUIDE FOR SAFETY PROFESSIONALS FOR DEVELOPING PROGRAMS AVAILABLE

Modern Safety and Health Technology, a book intended to assist safety and loss control managers in their duties, is available from John Wiley & Sons, Inc.

According to the publishers, the book emphasizes the development of safety and health programs that conform to "modern management principles and practices." Topics include safeguarding machines and equipment, safety training, accident investigation, noise control, fundamentals of industrial hygiene, and concepts of accident prevention.

Author of the book is Russell DeReamer, data systems division manager for safety, industrial hygiene, and emergency control, International Business Machines Corporation.

Copies of the book are available for \$32.50 from John Wiley & Sons, Inc., 605 Third Ave., New York, N.Y. 10158.

Respirators

NIOSH SEEKS MANUFACTURER DATA ON AIR-PURIFYING DEVICE EFFICIENCY

Respirator manufacturers were asked to supply the National Institute for Occupational Safety and Health with "all data" regarding the effectiveness of air-purifying respirators in filtering out air contaminants, particularly carcinogenic agents.

The request came in a letter from Jon R. May, NIOSH special assistant for testing and certification, sent to respirator manufacturers the week of August 25.

May said the institute is "deeply concerned about the use of dust, fume, and mist respirators, and other air-purifying respirators, against carcinogenic substances." These concerns, he added, focus on two major issues:

- (1) The ability of the respirator's filter medium to screen out carcinogenic substances during the whole period of use.
- (2) The "questionable face fit" of some dust, fume, and mist respirators, particularly the single-use type.

Information requested of the manufacturers will be used in a study planned by NIOSH to resolve these concerns, May indicated.

Existing certification provisions in 30 CFR Part 11 permit the use of respirators with replaceable filters to protect the wearer against asbestos-containing dust and mists; dusts such as arsenic, cadmium, and chromium which are "suspected human carcinogens"; and the dusts, fumes, and mists of beryllium and radionuclides, which "can produce cancer," May stated. These provisions, he added, prohibit

NIOSH and the Mine Safety and Health Administration from rescinding approval "without appropriate administrative procedures."

However, according to May, NIOSH now believes that approval for the air-purifying respirators should be based on their "demonstrated effectiveness," and not on "a policy adopted when the carcinogenicity of certain chemicals and other substances was unrecognized."

Efficiency, Protection Factor

In his letter, May asked manufacturers to provide data on the efficiency of air-purifying respirators in "removing contaminants, particularly any data involving actual testing against carcinogenic agents," and information regarding the calculation of protection factors for their devices.

Excessive leakage of a substance such as asbestos into a respirator as a result of either ineffective filtration or a poor seal "is unacceptable and presents a potentially serious hazard to the wearer," May maintained. In such circumstances, the possibility that a respirator wearer may develop lung cancer or mesothelioma as a result of asbestos exposure "cannot be ignored," he stated.

The NIOSH official noted that 30 CFR 11.130(h) permits single-use respirators to be worn as protection against asbestos as a "fibrosis-producing dust." In light of current knowledge on the carcinogenicity of asbestos, this description of asbestos "can only be viewed as misleading," he asserted.

It is not NIOSH's position at the present time that "single-use dust respirators will provide adequate protection against the cancer causing potential of asbestos," May emphasized.

The NIOSH official noted that manufacturers having any questions about the request should write him at Room 8A-53, NIOSH, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, or call (301) 443-3680.

Workers' Compensation

ASBESTOS COMPANY, UNION CHIEFS CALL FOR HEARINGS ON HART PROPOSAL

The chief executive of the largest asbestos manufacturing company and the president of the asbestos workers union both called for full-scale hearings on S 2847, a bill to set minimum federal standards for asbestos-related disease state compensation claims, in testimony before the Senate Labor and Human Resources Committee August 27.

This bill, introduced in June by Senator Gary Hart (D-Colo), establishes a voluntary minimum award of two-thirds the claimant's average gross weekly wage and provides a system to apportion the cost of the benefits among "responsible parties," including the employer, asbestos manufacturers, and in some cases, the federal government (Current Report, June 26, p. 96). Testimony on the bill was heard during committee hearings on occupational disease compensation (see related article in this issue).

John A. McKinney, chairman of the board of Johns-Manville Corporation, told the committee that the company believes S 2847 to be "a very positive step," and urged it to convene "full-scale legislative hearings devoted exclusively" to the bill. "The Asbestos Health Hazards Compensation Act of 1980 is by no means perfect," he said, "but it is a significant step forward, and I commend the bill to your attention."

In prepared testimony delivered by General Counsel Laurence J. Cohen, International Association of Heat and Frost Insulators and Asbestos Workers General President

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Andrew T. Haas said the union is "wholeheartedly supporting" the bill. He asserted that "the approach embodied in S 2847 is the only approach which will provide adequate compensation to the hundreds of thousands disabled by asbestos-related diseases," and expressed his hope that the committee will schedule hearings on the bill soon.

No 'Bailout,' McKinney Claims

McKinney defended his company's support of the bill against what he said were claims that programs established by S 2847 would represent a "bailout" of employers who "knowingly" exposed workers to asbestos hazards. Denying that evidence exists to prove that Johns-Mansville "knowingly" exposed its workers to the hazards, McKinney stated that the federal government, "at one point," asserted that shipyard workers were not employed in a hazardous occupation, and said that "prior to 1964, the medical profession was unclear as to the hazards to which workers handling products of less than 100 percent asbestos fiber were subject." He also said that no court has ever awarded punitive damages to asbestos-exposed workers seeking them against an employer.

"I can think of no greater demonstration that the coverup charge is a complete fabrication," McKinney concluded.

Describing backlogs in workers' compensation claims that he said drove workers to "law suits seeking to circumvent workers' compensation," McKinney said that the growth of such suits could lead to "a massive, perhaps even total, collapse of the basic 'social contract' underlying workers' compensation — the elimination of employee-initiated suits against their employers in exchange for a no-fault delivery of occupational injury compensation."

He praised provisions of the bill that would assure prompt delivery of benefits and expressed satisfaction that medical criteria for asbestos-related disease has been established and that improved work practices and products assured that the bill would apply to a "fixed worker population," i.e. those exposed during the 1940s, 1950s, and 1960s. He also expressed approval of the "dramatic" increase in benefits the bill would foster.

Haas lauded provisions of the bill that allow compensation to household members disabled as a result of another's occupational exposure and permit recipients of partial-disability benefits to re-apply for benefits as their conditions worsen. He also noted that benefits would increase as the income a worker would have earned increases.

Comprehensive Bill Delay

The union president supported the concept of comprehensive occupational disease compensation legislation, but asserted that "the problem of disability due to occupational exposure to asbestos cannot wait until" the "technical and political difficulties" surrounding such a law are resolved. He added, "Hundreds of thousands could die before Congress enacts a comprehensive occupational [disease] act." In lieu of a comprehensive bill, Haas stated, Congress should enact legislation aimed specifically at asbestos exposure. An asbestos-related disease bill could serve as a model for a future comprehensive bill, he offered.

Haas attacked many state compensation programs that he said afford workers few benefits for asbestos-related disability. He asserted that some state laws are drafted specifically to prevent such claims, noting that eight states place special restrictions on asbestos-related payments, eleven omit or "somehow qualify" benefits for asbestos-related partial disability, and seven states limit partial disability payments for occupational diseases.

He also noted what he said were prohibitive statutes of limitation for occupational-disease claims, and charged that

insurance companies rarely settle claims based on an asbestos-related disease. The result in some cases, he said, was financial ruin among families of his union's members, sometimes leading to suicide by the former wage-earner.

Hart Testimony

Hart told the committee that statistics confirm that asbestos-related disease will be "one of the most serious health issues to come before this Congress," saying that projected figures indicate that 17 percent of all cancers detected in the U.S. may be traced to occupational asbestos exposure.

He called his legislation a compromise bill, citing its support by portions of labor and business, and said that the specific provisions of the bill were less important than the "serious effort to solve a problem that we really have very little time left to solve." He urged the committee to join in the attempt to "review and rethink past positions and programs, and then go forward toward new, untried approaches," and invited contributions that would improve the bill.

Federal Agencies

POSTAL SERVICE SAID MAKING PROGRESS TO IMPROVE HEALTH AND SAFETY PROGRAM

The U.S. Postal Service is making "important progress" in its safety and health program, but there still is much to be done in order for the service to have a "model safety program," according to Carl C. Ulsaker, senior assistant postmaster general, employee and labor relations.

Ulsaker appeared before the House Post Office and Civil Service Subcommittee on Postal Personnel and Modernization August 26 to explain what the service has been doing over the past five months to upgrade its safety program.

In March, Postmaster General William F. Bolger outlined for the subcommittee the 14 areas where the service was making specific efforts to improve its safety and health program. Congressional concern for the safety of postal employees intensified following a fatal accident in December 1979 at the New York Bulk and Foreign Mail Center (Current Report, March 13, p. 953).

After the accident, Occupational Safety and Health Administration inspectors identified 12 serious safety hazards at the facility which contributed to the death of postal employee Michael McDermott (Current Report, January 24, p. 793). Subsequently, OSHA expanded its review of USPS's safety and health program to include five bulk mail facilities (Current Report, February 28, p. 908). At the New York bulk facility, Ulsaker reported that the workload has been reduced by a transfer of certain processing operations and that there has been an overall drop in the lost workday injury rate at all the bulk mail centers.

Management Taking Leadership Role

According to Ulsaker, top management is taking a leadership role in the safety area — something that OSHA said it found lacking in its inspections and termed a key contributor to the service's poor safety record. Safety engineer positions have been established at each of the five postal regions, and additional safety personnel have been proposed, and some hired, at headquarters.

Further, the postal official told the subcommittee that certain safety-related engineering equipment changes have been initiated, specific compliance control procedures implemented, and expedited procedures for investigating